

MINUTES

HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE

STANDING COMMITTEE

Wednesday, January 24, 2024 [2:00 p.m.] 30 House Building

Members Present:

Rep. Ryan D. Wilcox, Chair

Rep. Matthew H. Gwynn, Vice Chair

Rep. Melissa G. Ballard

Rep. Jefferson S. Burton

Rep. Katy Hall

Rep. Sahara Haves

Rep. Sandra Hollins

Rep. Trevor Lee

Rep. Karianne Lisonbee

Rep. Val L. Peterson

Rep. Andrew Stoddard

Rep. Stephen L. Whyte

Staff Present:

John Feinauer, Managing Policy Analyst An Bradshaw, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Wilcox called the meeting to order at 2:06 p.m.

H.B. 15 Criminal Code Recodification and Cross References (Gwynn, M.)

Rep. Gwynn presented the bill.

MOTION: Rep. Stoddard moved to replace H.B. 15 with 3rd Substitute H.B. 15. The motion passed with a

vote of 7 - 0 - 5.

Yeas - 7 Nays - 0 Absent - 5 Rep. M. Ballard

Rep. M. Gwynn Rep. K. Hall Rep. J. Burton

Rep. S. Hayes Rep. T. Lee

Rep. S. Hollins Rep. V. Peterson

Rep. K. Lisonbee Rep. S. Whyte Rep. A. Stoddard

Rep. R. Wilcox

MOTION: Rep. Stoddard moved to pass 3rd Substitute H.B. 15 out favorably. The motion passed with a vote

of 7 - 0 - 5.

Absent - 5 Yeas - 7 Nays - 0 Rep. M. Gwynn Rep. M. Ballard

Rep. J. Burton Rep. K. Hall Rep. S. Hayes Rep. T. Lee

Rep. S. Hollins Rep. V. Peterson

Rep. K. Lisonbee Rep. S. Whyte Rep. A. Stoddard

Rep. R. Wilcox

2. H.B. 27 Criminal Code Amendments (Gwynn, M.)

Rep. Gwynn presented the bill.

Sam Knight, criminal defense attorney, spoke in support of the bill.

Jeff Buhman, Statewide Association of Prosecutors, spoke in support of the bill.

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Chris Allred, Weber County Attorney, spoke in support of the bill.

Dan Strong, Chair, Sentencing Commission and Commission on Criminal and Juvenile Justice (CCJJ), spoke in support of the bill.

Rep. Haves moved to replace H.B. 27 with 1st Substitute H.B. 27. The motion passed with a vote of MOTION: 6-0-6.

Yeas - 6 Nays - 0 Absent - 6 Rep. M. Gwynn Rep. M. Ballard Rep. K. Hall Rep. J. Burton Rep. S. Haves Rep. S. Hollins Rep. K. Lisonbee Rep. T. Lee Rep. A. Stoddard Rep. V. Peterson Rep. R. Wilcox Rep. S. Whyte

MOTION: Rep. Hayes moved to amend 1st Substitute H.B. 27 with Amendment #1. The motion passed with a

vote of 6 - 0 - 6.

Amendment 1 1st Sub. H.B. 27

Page 9, Lines 251 through 252:

(3) (a) A violation of Subsection (2)(a) is a class (B) C misdemeanor. 251

252 (b) (A) Except as provided in Subsection (3)(c), a violation of Subsection (2)(b) is a class (A) B misdemeanor.

(c) A violation of Subsection (2)(b) is a class A misdemeanor if the actor committed the violation in the presence of an individual who is younger than 14 years old.

Yeas - 6 Nays - 0 Absent - 6 Rep. M. Gwynn Rep. M. Ballard Rep. K. Hall Rep. J. Burton Rep. S. Hayes Rep. S. Hollins Rep. K. Lisonbee Rep. T. Lee Rep. A. Stoddard Rep. V. Peterson Rep. R. Wilcox Rep. S. Whyte

Rep. Hayes moved to pass 1st Substitute H.B. 27 out favorably as amended. The motion passed MOTION:

with a vote of 6 - 0 - 6.

Yeas - 6 Nays - 0 Absent - 6 Rep. M. Gwynn Rep. M. Ballard Rep. K. Hall Rep. J. Burton Rep. S. Hayes Rep. S. Hollins Rep. K. Lisonbee Rep. T. Lee Rep. A. Stoddard Rep. V. Peterson Rep. R. Wilcox Rep. S. Whyte

3. H.B. 181 Criminal Offenses Amendments (Gwynn, M.)

Rep. Gwynn presented the bill.

Dan Strong spoke to the bill.

Richard Mauro, Executive Director, Salt Lake Legal Defenders Association, spoke in support of the bill.

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MOTION: Rep. Lisonbee moved to replace H.B. 181 with 3rd Substitute H.B. 181. The motion passed with a vote of 6 - 0 - 6.

Yeas - 6Nays - 0Absent - 6Rep. M. GwynnRep. M. BallardRep. K. HallRep. J. BurtonRep. S. HayesRep. S. HollinsRep. K. LisonbeeRep. T. LeeRep. A. StoddardRep. V. PetersonRep. Rep. Rep. S. Whyte

MOTION: Rep. Lisonbee moved to pass 3rd Substitute H.B. 181 out favorably. The motion passed with a vote of 6 - 0 - 6.

 Yeas - 6
 Nays - 0
 Absent - 6

 Rep. M. Gwynn
 Rep. M. Ballard

 Rep. K. Hall
 Rep. J. Burton

 Rep. S. Hayes
 Rep. S. Hollins

 Rep. K. Lisonbee
 Rep. T. Lee

 Rep. A. Stoddard
 Rep. V. Peterson

 Rep. R. Wilcox
 Rep. S. Whyte

4. H.B. 156 Burglary Amendments (Jack, C.)

Rep. Colin Jack presented the bill.

Mark Moffat, criminal defense attorney, spoke in opposition to the bill.

Mike Smith, Utah County Sheriff and President, Utah Sheriffs Association, spoke in support of the bill.

Jeff Buhman spoke in support of the bill.

Steve Burton, Utah Association of Criminal Defense Attorneys, spoke in opposition to the bill.

MOTION: Rep. Stoddard moved to hold H.B. 156. The motion passed with a vote of 8 - 2 - 2.

Yeas - 8Nays - 2Absent - 2Rep. M. GwynnRep. J. BurtonRep. M. BallardRep. K. HallRep. V. PetersonRep. S. Whyte

Rep. S. Hayes Rep. S. Hollins

Rep. T. Lee

Rep. K. Lisonbee Rep. A. Stoddard

Rep. R. Wilcox

5. H.B. 223 Airport Weapon Possession Amendments (Gricius, S.)

Rep. Stephanie Gricius presented the bill.

David Quealy, Senior City Attorney, Salt Lake City, spoke in support of the bill.

Neca Allgood, Gun Violence Prevention Center, spoke in opposition to the bill.

MOTION: Rep. Burton moved to replace H.B. 223 with 1st Substitute H.B. 223. The motion passed with a

vote of 10 - 0 - 2.

January 24, 2024

Yeas - 10 Absent - 2 Nays - 0

Rep. M. Ballard

Rep. J. Burton

Rep. M. Gwynn

Rep. K. Hall

Rep. S. Hayes

Rep. S. Hollins

Rep. T. Lee

Rep. K. Lisonbee

Rep. V. Peterson

Rep. R. Wilcox

MOTION:

Rep. Burton moved to pass 1st Substitute H.B. 223 out favorably. The motion passed with a vote of 10 - 0 - 2.

Rep. A. Stoddard

Rep. A. Stoddard

Rep. S. Whyte

Rep. S. Whyte

Yeas - 10 Nays - 0 Absent - 2

Rep. M. Ballard

Rep. J. Burton Rep. M. Gwynn

Rep. K. Hall

Rep. S. Haves

Rep. S. Hollins Rep. T. Lee

Rep. K. Lisonbee

Rep. V. Peterson

Rep. R. Wilcox

Rep. Peterson moved to approve the minutes of January 18, 2023. The motion passed with a vote **MOTION:**

of 10 - 0 - 2.

Nays - 0 Yeas - 10 Absent - 2

Rep. M. Ballard Rep. A. Stoddard Rep. J. Burton Rep. S. Whyte

Rep. M. Gwynn

Rep. K. Hall

Rep. S. Hayes

Rep. S. Hollins

Rep. T. Lee

Rep. K. Lisonbee

Rep. V. Peterson

Rep. R. Wilcox

6. S.B. 15 Concealed Firearm Review Board Amendments (Grover, K.)

Sen. Keith Grover presented the bill.

MOTION: Rep. Lisonbee moved to pass S.B. 15 out favorably. The motion passed with a vote of 11 - 0 - 1.

Nays - 0

January 24, 2024

Absent - 1

Rep. S. Whyte

Yeas - 11 Rep. M. Ballard

Rep. J. Burton

Rep. M. Gwynn

Rep. K. Hall

Rep. S. Hayes

Rep. S. Hollins

Rep. T. Lee

Rep. K. Lisonbee

Rep. V. Peterson

Rep. A. Stoddard

Rep. R. Wilcox

7. S.B. 23 Offender Registry Amendments (Grover, K.)

Sen. Grover presented the bill.

Will Carlson, Chief Policy Advisor, Salt Lake County District Attorney's Office, spoke to the bill.

Amanda Montague, Utah Attorney General's Office, spoke in support of the bill.

Mark Moffat spoke in opposition to the bill.

Jeff Buhman spoke to the bill.

Dan Blanchard, Executive Project Manager, Department of Corrections, spoke in support of the bill.

Richard Mauro spoke in opposition to the bill.

Adam Craig, Utah Association of Criminal Defense Attorneys, spoke in opposition to the bill.

Shad Larson, Office of Legislative Research and Legal Council, was asked to explain some of the language of the bill.

MOTION: Rep. Stoddard moved to amend S.B. 23 with Amendment #1. The motion was withdrawn. Amendment 1

S.B. 23

1. Page 87, Lines 2677 through 2678:

2677 (5) The department may intervene in any matter <u>regarding a kidnap offender or sex offender</u>, including a criminal action, where the

2678 matter purports to affect [a person's] an individual's lawfully entered registration requirement.

MOTION: Rep. Stoddard moved to hold S.B. 23. The motion passed with a vote of 11 - 0 - 1.

January 24, 2024

<u>Yeas - 11</u>

Rep. M. Ballard

Nays - 0

Rep. S. Whyte

Rep. J. Burton Rep. M. Gwynn Rep. K. Hall Rep. S. Hayes

Rep. S. Hollins

Rep. T. Lee

Rep. K. Lisonbee

Rep. V. Peterson Rep. A. Stoddard

Rep. R. Wilcox

Rep. M. Ballard

8. H.B. 276 Crime Victims Reparations Amendments (Ballard, M.G.)

Rep. Ballard presented the bill with the assistance of Susan Duehlmeier, citizen, and Gary Scheller, Director, Office for Victims of Crime.

Nate Mutter, Co-chair, Law Enforcement Legislative Committee, and also speaking on behalf of the Utah Sheriffs Association, spoke in opposition to the bill.

Vickie Walker, Crime Victim Reparations and Assistance Board, spoke in support of the bill.

Brian Gwilliam, Lone Peak Police Department Chief and President, Chiefs of Police Association, spoke in opposition to the bill.

Tom Ross, Executive Director, Commission on Criminal and Juvenile Justice, spoke in opposition to the bill.

MOTION: Rep. Lisonbee moved to hold H.B. 276.

SUBSTITUTE Rep. Ballard moved to pass H.B. 276 out favorably. The substitute motion failed with a vote of 1 - MOTION:

Yeas - 1 Nays - 11 Absent - 0

Rep. J. Burton Rep. M. Gwynn Rep. K. Hall Rep. S. Hayes Rep. S. Hollins Rep. T. Lee Rep. K. Lisonbee Rep. V. Peterson

Rep. A. Stoddard Rep. S. Whyte Rep. R. Wilcox

Rep. Lisonbee's underlying motion passed with a vote of 12 - 0 - 0.

January 24, 2024

<u>Yeas - 12</u> <u>Nays - 0</u> <u>Absent - 0</u>

Rep. M. Ballard

Rep. J. Burton

Rep. M. Gwynn

Rep. K. Hall

Rep. S. Hayes

Rep. S. Hollins

Rep. T. Lee

Rep. K. Lisonbee

Rep. V. Peterson

Rep. A. Stoddard

Rep. S. Whyte

Rep. R. Wilcox

9. H.B. 260 Controlled Substances Amendments (Dailey-Provost, J.)

Nays - 0

Rep. Jennifer Dailey-Provost presented the bill.

Karece Thompson, Clearfield City Council, spoke to the bill.

MOTION: Rep. Stoddard moved to pass H.B. 260 out favorably. The motion passed with a vote of 12 - 0 - 0.

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Absent - 0

Yeas - 12 Rep. M. Ballard

Rep. J. Burton

Rep. M. Gwynn

Rep. K. Hall

Rep. S. Hayes

Rep. S. Hollins

Rep. T. Lee

Rep. K. Lisonbee

Rep. V. Peterson

Rep. A. Stoddard

Rep. S. Whyte

Rep. R. Wilcox

10. H.B. 211 Penalty for False Statement During Drug Arrest (Ivory, K.)

Rep. Ken Ivory presented the bill with the assistance of Edwin Meno, Sergeant, Unified Police Department.

MOTION: Rep. Gwynn moved to replace H.B. 211 with 1st Substitute H.B. 211. The motion passed with a

vote of 12 - 0 - 0.

Yeas - 12 Nays - 0 Absent - 0

Rep. M. Ballard

Rep. J. Burton

Rep. M. Gwynn

Rep. K. Hall

Rep. S. Hayes

Rep. S. Hollins

Rep. T. Lee

Rep. K. Lisonbee

Rep. V. Peterson

Rep. A. Stoddard

Rep. S. Whyte

Rep. R. Wilcox

January 24, 2024

MOTION: Rep. Gwynn moved to pass 1st Substitute H.B. 211 out favorably. The motion passed with a vote of 12 - 0 - 0.

Yeas - 12 Nays - 0 Absent - 0

Rep. M. Ballard

Rep. J. Burton

Rep. M. Gwynn

Rep. K. Hall

Rep. S. Haves

Rep. S. Hollins

Rep. T. Lee

Rep. K. Lisonbee

Rep. V. Peterson

Rep. A. Stoddard

Rep. S. Whyte

Rep. R. Wilcox

11. H.B. 336 Department of Public Safety Amendments (Burton, J.)

Rep. Burton presented the bill.

MOTION: Rep. Lee moved to pass H.B. 336 out favorably. The motion passed with a vote of 12 - 0 - 0.

Yeas - 12 Nays - 0 Absent - 0

Rep. M. Ballard

Rep. J. Burton

Rep. M. Gwynn

Rep. K. Hall

Rep. S. Hayes

Rep. S. Hollins

Rep. T. Lee

Rep. K. Lisonbee

Rep. V. Peterson

Rep. A. Stoddard

Rep. S. Whyte

Rep. R. Wilcox

12. H.B. 225 Unlawful Kissing of a Child or Minor (Stoddard, A.)

Rep. Stoddard presented the bill with the assistance of Rob Scott, Sergeant, Unified Police Department Special Victims Unit.

Nate Mutter spoke in support of the bill.

Will Carlson spoke in support of the bill.

Richard Mauro spoke in opposition to the bill.

Nicholeen Peck, President, Worldwide Organization for Women, spoke to the bill.

MOTION: Rep. Lee moved to hold H.B. 225. The motion failed with a vote of 1 - 8 - 3.

January 24, 2024

 Yeas - 1
 Nays - 8
 Absent - 3

 Rep. T. Lee
 Rep. J. Burton
 Rep. M. Ballard

 Rep. M. Gwynn
 Rep. K. Lisonbee

 Rep. K. Hall
 Rep. V. Peterson

 Rep. S. Hayes
 Rep. S. Hollins

Rep. A. Stoddard Rep. S. Whyte Rep. R. Wilcox

MOTION: Rep. Burton moved to amend H.B. 225 with Amendment #1. The motion passed with a vote of 10 - 0 - 2.

Amendment 1 H.B. 225

- 1. Page 1, Lines 12 through 16:
- 12 ▶ defines terms;
- provides that a mistake as to the victim's age is not a defense to the offense of (€:
- 14 Junlawfully kissing a child; { or
- 15 unlawfully kissing a minor; }
- 16 reates the offenses of unlawfully kissing a child and unlawfully kissing a minor;
- 2. Page 3, Lines 64 through 69:
- 64 (c) aggravated human smuggling, Section 76-5-310.1;
- 65 (d) unlawful sexual conduct with a minor, Subsection 76-5-401.2(2)(a)(ii);
- 66 {<u>(e) unlawful kissing of a minor, Section 76-5-416.4;</u>}
- 67 { (f) } (e) patronizing a prostitute, Section 76-10-1303;
- 68 {(g) }(f) aggravated exploitation of prostitution, Section 76-10-1306; or
- $\{\frac{h}{g}\}$ (g) sexual solicitation, Section 76-10-1313.

Yeas - 10Nays - 0Absent - 2Rep. M. BallardRep. K. LisonbeeRep. J. BurtonRep. V. Peterson

Rep. M. Gwynn Rep. K. Hall

Rep. S. Hayes Rep. S. Hollins

Rep. S. Hollins Rep. T. Lee

Rep. A. Stoddard

Rep. S. Whyte Rep. R. Wilcox

MOTION: Rep. Gwynn moved to pass H.B. 225 out favorably as amended. The motion passed with a vote of 10 - 0 - 2.

10 - 0 - 2.

Yeas - 10Nays - 0Absent - 2Rep. M. BallardRep. K. LisonbeeRep. J. BurtonRep. V. Peterson

Rep. M. Gwynn Rep. K. Hall Rep. S. Hayes

Rep. S. Hollins

Rep. T. Lee

Rep. A. Stoddard

Rep. S. Whyte

Rep. R. Wilcox

Rep. Gwynn assumed the chair.



13. H.B. 86 Public Safety Data Amendments (Wilcox, R.)

Rep. Wilcox presented the bill.

MOTION: Rep. Burton moved to replace H.B. 86 with 2nd Substitute H.B. 86. The motion passed with a vote

of 9 - 0 - 3.

Yeas - 9 Nays - 0 Absent - 3

Rep. S. Hollins Rep. M. Ballard Rep. J. Burton Rep. K. Lisonbee Rep. M. Gwynn Rep. V. Peterson

Rep. K. Hall Rep. S. Hayes Rep. T. Lee

Rep. A. Stoddard

Rep. S. Whyte

Rep. R. Wilcox

MOTION: Rep. Burton moved to pass 2nd Substitute H.B. 86 out favorably. The motion passed with a vote of

9 - 0 - 3.

<u>Yeas - 9</u> Nays - 0 Absent - 3

Rep. S. Hollins Rep. M. Ballard Rep. J. Burton Rep. K. Lisonbee Rep. M. Gwynn Rep. V. Peterson

Rep. K. Hall Rep. S. Hayes

Rep. T. Lee

Rep. A. Stoddard

Rep. S. Whyte

Rep. R. Wilcox

MOTION: Rep. Wilcox moved to adjourn. The motion passed with a vote of 9 - 0 - 3.

Yeas - 9 Nays - 0 Absent - 3 Rep. M. Ballard Rep. S. Hollins

Rep. J. Burton Rep. K. Lisonbee Rep. M. Gwynn Rep. V. Peterson

Rep. K. Hall

Rep. S. Hayes

Rep. T. Lee

Rep. A. Stoddard

Rep. S. Whyte

Rep. R. Wilcox

Chair Gwynn adjourned the meeting at 5:06 p.m.