



MINUTES

HOUSE JUDICIARY STANDING COMMITTEE

LEGISLATURE

Thursday, January 25, 2024 | 2:00 p.m. | 110 Senate Building

Members Present:

Rep. Jon Hawkins, Chair
Rep. Nelson T. Abbott, Vice Chair
Rep. Cheryl K. Acton
Rep. Kera Birkeland
Rep. Tyler Clancy
Rep. Brian S. King
Rep. Karianne Lisonbee

Rep. Anthony E. Loubet
Rep. Judy Weeks Rohner
Rep. Rex P. Shipp
Rep. Christine F. Watkins
Rep. Mark A. Wheatley

Staff Present:

Jonathan Adams, Policy Analyst
Tisha Gibby, Committee Secretary

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

Chair Abbott called the meeting to order at 2:16 p.m.

MOTION: Rep. Shipp moved to approve the January 22, 2024 minutes. The motion passed with a vote of 9 - 0 - 3.

Yeas - 9

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. J. Hawkins
Rep. B. King
Rep. A. Loubet
Rep. R. Shipp
Rep. C. Watkins
Rep. M. Wheatley

Nays - 0

Absent - 3

Rep. T. Clancy
Rep. K. Lisonbee
Rep. J. Rohner

1. H.B. 147 Threat of Violence Amendments (Gricius, S.)

Rep. Hawkins assumed the chair.

Rep. Stephanie Gricius presented the bill.

Nicholeen Peck, President, Worldwide Organization for Women, spoke in favor of the bill.

Dani Palmer, Utah Eagle Forum, spoke in favor of the bill.

Maryann Christensen, Executive Director, Utah Legislative Watch, spoke in favor of the bill.

MOTION: Rep. Birkeland moved to amend H.B. 147 with Amendment #1. The motion passed with a vote of 11 - 0 - 1.

Amendment 1
H.B. 147

1. Page 2, Lines 28 through 37:

28 (2) [(a)] An actor commits a threat of violence if the actor:
29 [(+)] (a) [(A)] (i) threatens to commit an offense;
30 (A) under Title 76, Chapter 5, Part 4, Sexual Offenses; or
31 (B) involving bodily injury, death, or substantial property damage; and
32 [(B)] (ii) acts with intent to place an individual in {imminent} fear [of imminent];

33 (A) that the actor will imminently commit an offense under Title 76, Chapter 5, Part 4, Sexual
34 Offenses, against the individual; or
35 (B) of imminent serious bodily injury, substantial bodily injury, or death; or
36 [(ii)] (b) makes a threat, accompanied by a show of immediate force or violence, to do
37 bodily injury to an individual.

Yeas - 11

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. T. Clancy
Rep. J. Hawkins
Rep. B. King
Rep. K. Lisonbee
Rep. A. Loubet
Rep. R. Shipp
Rep. C. Watkins
Rep. M. Wheatley

Nays - 0

Absent - 1

Rep. J. Rohner

MOTION: Rep. Birkeland moved to pass H.B. 147 out favorably as amended. The motion passed with a vote of 11 - 0 - 1.

Yeas - 11

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. T. Clancy
Rep. J. Hawkins
Rep. B. King
Rep. K. Lisonbee
Rep. A. Loubet
Rep. R. Shipp
Rep. C. Watkins
Rep. M. Wheatley

Nays - 0

Absent - 1

Rep. J. Rohner

2. H.B. 157 Child Custody Factor Amendments (*Gricius, S.*)

Rep. Gricius presented the bill.

Nicholeen Peck, Worldwide Organization for Women, spoke in favor of the bill.

MOTION: Rep. Acton moved to replace H.B. 157 with 1st Substitute H.B. 157. The motion passed with a vote of 11 - 0 - 1.

Yeas - 11

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. T. Clancy
Rep. J. Hawkins
Rep. B. King
Rep. K. Lisonbee
Rep. A. Loubet
Rep. R. Shipp
Rep. C. Watkins
Rep. M. Wheatley

Nays - 0

Absent - 1

Rep. J. Rohner

MOTION: Rep. Acton moved to pass 1st Substitute H.B. 157 out favorably. The motion passed with a vote of 11 - 0 - 1.

Yeas - 11

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. T. Clancy
Rep. J. Hawkins
Rep. B. King
Rep. K. Lisonbee
Rep. A. Loubet
Rep. R. Shipp
Rep. C. Watkins
Rep. M. Wheatley

Nays - 0

Absent - 1

Rep. J. Rohner

3. H.B. 140 Parental Notification Amendments (*Gricius, S.*)

Rep. Gricius presented the bill.

Rep. Abbott resumed the chair.

Dani Palmer, Utah Eagle Forum, spoke in favor of the bill.

MOTION: Rep. Birkeland moved to replace H.B. 140 with 1st Substitute H.B. 140. The motion passed with a vote of 10 - 0 - 2.

Yeas - 10

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. T. Clancy
Rep. B. King
Rep. K. Lisonbee
Rep. A. Loubet
Rep. J. Rohner
Rep. R. Shipp
Rep. M. Wheatley

Nays - 0

Absent - 2

Rep. J. Hawkins
Rep. C. Watkins

MOTION: Rep. Birkeland moved to pass 1st Substitute H.B. 140 out favorably. The motion passed with a vote of 10 - 0 - 2.

Yeas - 10

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. T. Clancy
Rep. B. King
Rep. K. Lisonbee
Rep. A. Loubet
Rep. J. Rohner
Rep. R. Shipp
Rep. M. Wheatley

Nays - 0

Absent - 2

Rep. J. Hawkins
Rep. C. Watkins

4. H.B. 114 Rape Crisis and Services Center Amendments (*Romero, A.*)

[4\) HB114 Sexual Assault Service Providers In Utah](#)

[4\) HB114 Utah Standards of Care for Rape Crisis Programs](#)

Rep. Angela Romero presented the bill with the assistance of Liliana Olvera, Executive Director, Utah Coalition Against Sexual Assault.

Charlee Barker, Utah Coalition Against Sexual Assault, spoke in favor of the bill.

Marlesse Jones, spoke in favor of the bill on behalf of the Commission on Criminal and Juvenile Justice.

Tallie Viteri, Assistant Director, Utah Office for Victims of Crime, spoke in favor of the bill.

MOTION: Rep. Lisonbee moved to amend H.B. 114 with Amendment #1. The motion passed with a vote of 10 - 0 - 2.

Amendment 1
H.B. 114

1. Page 5, Lines 145 through 150:

145 (30) "Perpetrator" means the individual who actually participated in the criminally
146 injurious conduct.

147 (31) (a) "Rape crisis and services center" means a nonprofit entity that assists victims of
148 sexual assault and victims' families by offering sexual assault crisis intervention and counseling
149 through a sexual assault counselor.

(b) "Rape crisis and services center" does not include a qualified institutional victim services provider as defined in Section 53B-28-201.

150 ~~[(31)]~~ (32) "Reparations award" means money or other benefits provided to a claimant

Yeas - 10

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. T. Clancy
Rep. B. King
Rep. K. Lisonbee
Rep. A. Loubet
Rep. J. Rohner
Rep. R. Shipp
Rep. M. Wheatley

Nays - 0

Absent - 2

Rep. J. Hawkins
Rep. C. Watkins

MOTION: Rep. Lisonbee moved to amend H.B. 114 as amended with Amendment #2. The motion passed with a vote of 10 - 1 - 1.

Amendment 2
H.B. 114

1. Page 1, Lines 12 through 20:

12 This bill:

13 ▸ defines terms;

14 ▸ specifies rulemaking authority to the State Commission on Criminal and Juvenile Justice, in consultation
with the Utah Office for Victims of Crime (office) to

15 create:

16 ● standards of care for a rape crisis and services center;

17 ● eligibility standards for a rape crisis and services center to be eligible for a
18 grant, other funds, or services;

19 ● standards and procedures for the ~~{office}~~ state auditor to monitor or audit the compliance of a
20 rape crisis and services center with eligibility standards; and

2. Page 7, Lines 207 through 211:

207 (1) With regard to eligibility for a grant, other funds, or services provided under this

208 part for a rape crisis and services center, the commission, in consultation with the office shall create rules to:

209 (a) create standards of care for a rape crisis and services center to provide safe, effective, and appropriate services for a victim of sexual assault:

211 (i) that are based on best practices; and

3. Page 8, Lines 217 through 222:

217 grant, other funds, or services under this part; and

218 (c) create standards and procedures for the ~~{office or the office's designee}~~ state auditor to monitor or audit a rape crisis and services center for compliance with the eligibility standards described in Subsection (1)(b).

221 (2) Rules made by the ~~{office}~~ commission under this section shall be made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Yeas - 10

- Rep. N. Abbott
- Rep. C. Acton
- Rep. K. Birkeland
- Rep. T. Clancy
- Rep. J. Hawkins
- Rep. B. King
- Rep. K. Lisonbee
- Rep. A. Loubet
- Rep. J. Rohner
- Rep. R. Shipp

Nays - 1

- Rep. M. Wheatley

Absent - 1

- Rep. C. Watkins

SUBSTITUTE MOTION: Rep. Birkeland moved to go to the next item on the agenda. The substitute motion failed with a vote of 3 - 9 - 0.

Yeas - 3

- Rep. N. Abbott
- Rep. K. Birkeland
- Rep. K. Lisonbee

Nays - 9

- Rep. C. Acton
- Rep. T. Clancy
- Rep. J. Hawkins
- Rep. B. King
- Rep. A. Loubet
- Rep. J. Rohner
- Rep. R. Shipp
- Rep. C. Watkins
- Rep. M. Wheatley

Absent - 0

SUBSTITUTE MOTION: Rep. Clancy moved to place H.B. 114 on the next agenda of the House Judiciary Standing Committee.

Chair Abbott ruled that motion as out of order.

MOTION: Rep. Lisonbee moved to pass H.B. 114 out favorably as amended and to refer the issue to interim as a study item.

Rep. King raised a point of order.

Rep. King called to divide the motions.

Rep. Hawkins proposed that the committee separate the motions.

MOTION: Rep. Lisonbee moved to pass H.B. 114 out favorably as amended. The motion passed with a vote of 10 - 0 - 2.

Yeas - 10

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. T. Clancy
Rep. J. Hawkins
Rep. B. King
Rep. K. Lisonbee
Rep. J. Rohner
Rep. R. Shipp
Rep. M. Wheatley

Nays - 0

Absent - 2

Rep. A. Loubet
Rep. C. Watkins

MOTION:

Rep. Lisonbee moved to refer H.B. 114 as amended to interim as a study item and to create a working group. The motion passed with a vote of 11 - 0 - 1.

Yeas - 11

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. T. Clancy
Rep. J. Hawkins
Rep. B. King
Rep. K. Lisonbee
Rep. J. Rohner
Rep. R. Shipp
Rep. C. Watkins
Rep. M. Wheatley

Nays - 0

Absent - 1

Rep. A. Loubet

Rep. Hawkins resumed the chair.

5. H.B. 271 Law Enforcement Employee Overtime Amendments (*Lisonbee, K.*)

Rep. Lisonbee presented the bill.

MOTION:

Rep. Clancy moved to replace H.B. 271 with 2nd Substitute H.B. 271. The motion passed with a vote of 11 - 0 - 1.

Yeas - 11

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. T. Clancy
Rep. J. Hawkins
Rep. B. King
Rep. K. Lisonbee
Rep. J. Rohner
Rep. R. Shipp
Rep. C. Watkins
Rep. M. Wheatley

Nays - 0

Absent - 1

Rep. A. Loubet

MOTION:

Rep. Clancy moved to pass 2nd Substitute H.B. 271 out favorably. The motion passed with a vote of 11 - 0 - 1.

Yeas - 11

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. T. Clancy
Rep. J. Hawkins
Rep. B. King
Rep. K. Lisonbee
Rep. J. Rohner
Rep. R. Shipp
Rep. C. Watkins
Rep. M. Wheatley

Nays - 0

Absent - 1

Rep. A. Loubet

6. H.B. 268 Punitive Damages Amendments (Stoddard, A.)

Rep. Andrew Stoddard presented the bill.

Kurt London, Utah Association for Justice, spoke in favor of the bill.

MOTION: Rep. Abbott moved to pass H.B. 268 out favorably. The motion passed with a vote of 9 - 0 - 3.

Yeas - 9

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. J. Hawkins
Rep. B. King
Rep. J. Rohner
Rep. R. Shipp
Rep. C. Watkins
Rep. M. Wheatley

Nays - 0

Absent - 3

Rep. T. Clancy
Rep. K. Lisonbee
Rep. A. Loubet

7. H.B. 158 Criminal Defamation Amendments (Shipp, R.P.)

Rep. Shipp presented the bill.

Nicholeen Peck, Worldwide Organization for Women, spoke in favor of the bill.

Dan Strong, Director, Utah Sentencing Commission, spoke in favor of the bill.

Will Carlson, Salt Lake County District Attorney's Office, spoke in favor of the bill.

Steven Trachsel, citizen, spoke in favor of the bill.

Steve Merrill, citizen, spoke to the bill.

MOTION: Rep. Loubet moved to pass H.B. 158 out favorably. The motion passed with a vote of 10 - 0 - 2.

Yeas - 10

Nays - 0

Absent - 2

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. J. Hawkins
Rep. B. King
Rep. A. Loubet
Rep. J. Rohner
Rep. R. Shipp
Rep. C. Watkins
Rep. M. Wheatley

Rep. T. Clancy
Rep. K. Lisonbee

8. H.B. 134 Marriage Modifications (Loubet, A.)

Rep. Loubet presented the bill.

Nicholeen Peck, Worldwide Organization for Women, spoke in favor of the bill.

Russ Rampton, Utah County Marriage License Office, spoke in favor of the bill.

MOTION: Rep. Birkeland moved to amend H.B. 134 with Amendment #1. The motion passed with a vote of 10 - 0 - 2.

Amendment 1
H.B. 134

1. Page 2, Lines 38 through 43:

38 (3) (a) A county clerk may not refuse to issue a marriage license on the basis of the
39 race, ethnicity, or national origin of the individuals applying for the marriage license.

40 (b) If an employee{~~or public official~~}, a public official, or a designee, of a governmental entity is authorized
41 to solemnize a marriage under Section 30-1-6, the employee{~~or public official~~}, public official, or designee may
42 not refuse to solemnize a marriage on the basis of the race, ethnicity, or national origin of the parties to the
43 marriage.

Yeas - 10

Nays - 0

Absent - 2

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. J. Hawkins
Rep. B. King
Rep. A. Loubet
Rep. J. Rohner
Rep. R. Shipp
Rep. C. Watkins
Rep. M. Wheatley

Rep. T. Clancy
Rep. K. Lisonbee

MOTION: Rep. Birkeland moved to pass H.B. 134 out favorably as amended. The motion passed with a vote of 10 - 0 - 2.

Yeas - 10

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. J. Hawkins
Rep. B. King
Rep. A. Loubet
Rep. J. Rohner
Rep. R. Shipp
Rep. C. Watkins
Rep. M. Wheatley

Nays - 0

Absent - 2

Rep. T. Clancy
Rep. K. Lisonbee

MOTION: Rep. Watkins moved to adjourn. The motion passed with a vote of 10 - 0 - 2.

Yeas - 10

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. J. Hawkins
Rep. B. King
Rep. A. Loubet
Rep. J. Rohner
Rep. R. Shipp
Rep. C. Watkins
Rep. M. Wheatley

Nays - 0

Absent - 2

Rep. T. Clancy
Rep. K. Lisonbee

Chair Hawkins adjourned the meeting at 4:00 p.m.