



MINUTES

HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE

STANDING COMMITTEE

LEGISLATURE

Monday, January 29, 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 Hayes
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 2:07 p.m.

MOTION: Rep. Burton moved to approve the minutes of January 24, 2024. The motion passed with a vote of 8 - 0 - 4.

Yeas - 8

Rep. M. Ballard
Rep. J. Burton
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 4

Rep. M. Gwynn
Rep. T. Lee
Rep. K. Lisonbee
Rep. V. Peterson

1. H.B. 322 Sexual Assault Investigation Amendments (Romero, A.)

Rep. Angela Romero introduced the bill.

MOTION: Rep. Hollins moved to pass H.B. 322 out favorably. The motion passed with a vote of 8 - 0 - 4.

Yeas - 8

Rep. M. Ballard
Rep. J. Burton
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 4

Rep. M. Gwynn
Rep. T. Lee
Rep. K. Lisonbee
Rep. V. Peterson

2. H.B. 328 Victims of Sexual Offenses Amendments (Romero, A.)

Rep. Romero introduced the bill with the assistance of Bethany Crisp, Utah Coalition Against Sexual Assault.

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

MOTION: Rep. Hollins moved to replace H.B. 328 with 1st Substitute H.B. 328. The motion passed with a vote of 10 - 0 - 2.

Yeas - 10

Rep. M. Ballard
Rep. J. Burton
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. K. Lisonbee
Rep. V. Peterson
Rep. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 2

Rep. M. Gwynn
Rep. T. Lee

MOTION: Rep. Hollins moved to pass 1st Substitute H.B. 328 out favorably. The motion passed with a vote of 10 - 0 - 2.

Yeas - 10

Rep. M. Ballard
Rep. J. Burton
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. K. Lisonbee
Rep. V. Peterson
Rep. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 2

Rep. M. Gwynn
Rep. T. Lee

3. H.B. 110 Sex and Kidnap Offender Registry Amendments (Stoddard, A.)

Rep. Stoddard presented the bill.

MOTION: Rep. Hollins moved to pass H.B. 110 out favorably. The motion passed with a vote of 10 - 0 - 2.

Yeas - 10

Rep. M. Ballard
Rep. J. Burton
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. K. Lisonbee
Rep. V. Peterson
Rep. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 2

Rep. M. Gwynn
Rep. T. Lee

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

Rep. Stoddard presented the bill.

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

Amanda Montague, Assistant Attorney General, Attorney General's Office, spoke to the bill.

MOTION: Rep. Burton moved to replace S.B. 23 with 1st Substitute S.B. 23. The motion passed with a vote of 11 - 0 - 1.

Yeas - 11

Rep. M. Ballard
Rep. J. Burton
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

Nays - 0

Absent - 1

Rep. M. Gwynn

MOTION: Rep. Burton moved to pass 1st Substitute S.B. 23 out favorably. The motion passed with a vote of 11 - 0 - 1.

Yeas - 11

Rep. M. Ballard
Rep. J. Burton
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

Nays - 0

Absent - 1

Rep. M. Gwynn

Rep. Lisonbee assumed the chair.

5. H.B. 69 DUI Testing Amendments (*Wilcox, R.*)

Rep. Wilcox presented the bill. Kim Gibb, Director, Legislative and Government Affairs, Department of Public Safety, was invited to answer questions from the committee.

MOTION: Rep. Peterson moved to replace H.B. 69 with 1st Substitute H.B. 69. The motion passed with a vote of 11 - 0 - 1.

Yeas - 11

Rep. M. Ballard
Rep. J. Burton
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

Nays - 0

Absent - 1

Rep. M. Gwynn

MOTION: Rep. Peterson moved to pass 1st Substitute H.B. 69 out favorably. The motion passed with a vote of 11 - 0 - 1.

Yeas - 11

Nays - 0

Absent - 1

Rep. M. Ballard
Rep. J. Burton
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. M. Gwynn

Rep. Wilcox resumed the chair.

6. S.B. 11 Sex and Kidnap Offender Registry Access (Wilson, C.)

Sen. Chris Wilson presented the bill.

Dan Strong, Chair, Sentencing Commission, spoke in support of the bill.

MOTION: Rep. Burton moved to replace S.B. 11 with 1st Substitute S.B. 11. 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

MOTION: Rep. Burton moved to pass 1st Substitute S.B. 11 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

7. H.B. 177 Forcible Entry Warrant Amendments (Gwynn, M.)

Rep. Gwynn presented the bill.

MOTION: Rep. Ballard moved to amend H.B. 177 with Amendment #1. The motion passed with a vote of 12 - 0 - 0.

Amendment 1
H.B. 177

1. Page 3, Lines 76 through 82:
76 (ii) comply with the requirements described in Subsections (2)(b)(i)(C) and (2)(b)(i)(D)
77 before forcibly entering a premises if the officer, or another peace officer:
78 (A) has been near the premises for an extended amount of time and a reasonable person
79 would conclude that an individual on the premises knows or should know that a peace officer is
80 present;
81 (B) has demanded admission **and announced an intent to enter the premises more than once** ; and
82 (C) has complied with Subsections (2)(b)(i)(A), (2)(b)(i)(B), and (2)(b)(i)(E).

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

MOTION: Rep. Ballard moved to amend H.B. 177 with Amendment #2. The motion passed with a vote of 12 - 0 - 0.

Amendment 2
H.B. 177

1. Page 2, Lines 43 through 44:
43 (g) "Premises" means any { ~~property.~~ } building, room, conveyance, compartment, or other
44 enclosure.

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

MOTION: Rep. Ballard moved to pass H.B. 177 out favorably as amended. 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

8. H.B. 259 Juvenile Interrogation Modifications (*Judkins, M.*)

Rep. Marsha Judkins presented the bill with the assistance of Pamela Vickrey, Director, Utah Juvenile Defenders Association.

Nicholeen Peck spoke in support of the bill.

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

Martin Munoz, Voices for Utah Children, spoke in support of the bill.

MOTION: Rep. Ballard moved to amend H.B. 259 with Amendment #3. The motion passed with a vote of 12 - 0 - 0.

Amendment 3 H.B. 259

1. Page 2, Lines 54 through 56:

54 (b) A child's parent or guardian, or a friendly adult, is present at a custodial
55 interrogation if:

(i) the parent, guardian, or friendly adult attends the custodial interrogation in
56 person or by video{.} ; and

(ii) an interpreter is provided to the child and the parent, guardian, or friendly adult if the child or the parent,
guardian, or friendly adult is unable to speak or understand English.

2. Page 5, Lines 141 through 142:

141 (10) (a) If a peace officer or juvenile probation officer intentionally, knowingly,

142 {~~recklessly, or negligently~~} or recklessly fails to comply with the requirements for a custodial interrogation of

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

MOTION: Rep. Lisonbee moved to pass H.B. 259 out favorably as amended. 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

9. H.B. 273 Sentencing Modifications for Certain DUI Offenses (Stoddard, A.)

Rep. Gwynn assumed the chair.

Rep. Stoddard presented the bill with the assistance of Will Carlson.

Jeremy Mitchell, father of a victim, spoke in support of the bill.

Mark Brown, Mothers Against Drunk Driving, spoke in support of the bill.

Mark Moffat, Utah Defense Attorney Association, spoke in opposition to the bill.

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

Michael Drechsel, Assistant Court Administrator, Utah Courts, spoke to the bill.

Te Anu Tonga, citizen, spoke in opposition to the bill.

Michael Rapich, Colonel and Deputy Commissioner, Department of Public Safety, spoke in support of the bill.

Michael Drechsel was invited to answer questions from the committee.

Dan Strong spoke to the bill.

Alicia Miller, wife of a victim, spoke in support of the bill.

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

MOTION: Rep. Burton moved to replace H.B. 273 with 1st Substitute H.B. 273. The motion passed with a vote of 10 - 0 - 2.

Yeas - 10

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. A. Stoddard
Rep. S. Whyte

Nays - 0

Absent - 2

Rep. V. Peterson
Rep. R. Wilcox

MOTION: Rep. Burton moved to pass 1st Substitute H.B. 273 out favorably. The motion passed with a vote of 10 - 0 - 2.

Yeas - 10

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. A. Stoddard
Rep. S. Whyte

Nays - 0

Absent - 2

Rep. V. Peterson
Rep. R. Wilcox

10. H.B. 248 Inmate Amendments (*Ballard, M.G.*)

Rep. Ballard presented the bill with the assistance of Brian Redd, Executive Director, Department of Corrections (UDC).

Tom Ross, Executive Director, Commission on Criminal and Juvenile Justice, and speaking on behalf of the Sentencing Commission and the Substance Use and Mental Health Advisory Council, spoke in support of the bill.

Eric Hutchings, Director of Legislative Affairs, UDC, answered questions from the committee.

MOTION: Rep. Whyte moved to replace H.B. 248 with 1st Substitute H.B. 248. The motion passed with a vote of 8 - 0 - 4.

Yeas - 8

Rep. M. Ballard
Rep. J. Burton
Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. A. Stoddard
Rep. S. Whyte

Nays - 0

Absent - 4

Rep. T. Lee
Rep. K. Lisonbee
Rep. V. Peterson
Rep. R. Wilcox

MOTION: Rep. Whyte moved to pass 1st Substitute H.B. 248 out favorably. The motion passed with a vote of 8 - 0 - 4.



Yeas - 8

Rep. M. Ballard
Rep. J. Burton
Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. A. Stoddard
Rep. S. Whyte

Nays - 0

Absent - 4

Rep. T. Lee
Rep. K. Lisonbee
Rep. V. Peterson
Rep. R. Wilcox

MOTION:

Rep. Hollins moved to adjourn. The motion passed with a vote of 8 - 0 - 4.

Yeas - 8

Rep. M. Ballard
Rep. J. Burton
Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. A. Stoddard
Rep. S. Whyte

Nays - 0

Absent - 4

Rep. T. Lee
Rep. K. Lisonbee
Rep. V. Peterson
Rep. R. Wilcox

Chair Gwynn adjourned the meeting at 4:01 p.m.