

### MINUTES SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

Monday, February 5, 2024 3:40 p.m. 210 Senate Building

Members Present: Sen. Todd D. Weiler, Chair Sen. Luz Escamilla Sen. Michael S. Kennedy Sen. Daniel W. Thatcher Members Absent: Sen. Kirk A. Cullimore Sen. Jerry W Stevenson

Staff Present: Lacey Johnson, Policy Analyst Nancy Skidmore, Committee Secretary

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

Chair Weiler called the meeting to order at 3:56 p.m.

**MOTION:** Sen. Thatcher moved to approve the minutes of the January 31, 2024 meeting. The motion passed with a vote of 2 - 0 - 4.

<u>Yeas - 2</u> Sen. D. Thatcher Sen. T. Weiler

Absent - 4 Sen. K. Cullimore Sen. L. Escamilla Sen. M. Kennedy Sen. J. Stevenson

1. 2nd Sub. H.B. 55 Employment Confidentiality Amendments (Birkeland, K.)

Nays - 0

Rep. Birkelund presented the bill.

**MOTION:** Sen. Kennedy moved to amend 2nd Substitute H.B. 55 with Amendment #2. The motion passed with a vote of 3 - 0 - 3.

Amendment 2 2nd Sub. H.B. 55

1. Page 3, Lines 73 through 74:

73 (b) After an employee makes an allegation of sexual harassment or sexual assault, an

74 employer of any sized-business, regardless of Subsection {-34-A-102 } 34A-5-102 (1)(i)(D), may not retaliate:

2. Page 3, Lines 80 through 81:

80 employment contract that, as a condition of employment, contains a confidentiality clause. (c) An employee may, within three business days after the day on which the employee agrees to a settlement agreement that includes a confidentiality clause regarding sexual misconduct, withdraw from the settlement agreement.

81 (3) An employer who attempts to enforce a confidentiality clause in violation of this

<u>Yeas - 3</u> Sen. M. Kennedy Sen. D. Thatcher Sen. T. Weiler <u>Nays - 0</u>

<u>Absent - 3</u> Sen. K. Cullimore Sen. L. Escamilla Sen. J. Stevenson

Kimberly Bernhardt, citizen, spoke in favor of the bill.

Mike Borys, citizen, spoke in favor of the bill.

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Kira Lynch, citizen, spoke in favor of the bill.

Crystal Young, lobbyist, Politically Pink, spoke in favor of the bill.

**MOTION:** Sen. Kennedy moved to pass 2nd Substitute H.B. 55 out favorably. The motion passed with a vote of 4 - 0 - 2.

Absent - 2

Sen. K. Cullimore

Sen. J. Stevenson

<u>Yeas - 4</u> Sen. L. Escamilla Sen. M. Kennedy Sen. D. Thatcher Sen. T. Weiler

### 2. 3rd Sub. H.B. 15 Criminal Code Recodification and Cross References (Gwynn, M.)

Nays - 0

Rep. Gwynn presented the bill.

**MOTION:** Sen. Kennedy moved to pass 3rd Substitute H.B. 15 out favorably. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4	<u>Nays - 0</u>	<u> Absent - 2</u>
Sen. L. Escamilla		Sen. K. Cullimore
Sen. M. Kennedy		Sen. J. Stevenson
Sen. D. Thatcher		
Sen. T. Weiler		

#### 3. 1st Sub. H.B. 27 Criminal Code Amendments (Gwynn, M.)

Rep. Gwynn presented the bill.

**MOTION:** Sen. Kennedy moved to pass 1st Substitute H.B. 27 out favorably. The motion passed with a vote of 4 - 0 - 2.

<u>Yeas - 4</u>	<u>Nays - 0</u>	<u> Absent - 2</u>
Sen. L. Escamilla		Sen. K. Cullimore
Sen. M. Kennedy		Sen. J. Stevenson
Sen. D. Thatcher		
Sen. T. Weiler		

Sen. Thatcher assumed the chair.

### 4. 3rd Sub. H.B. 181 Criminal Offenses Amendments (Gwynn, M.)

Rep. Gywnn presented the bill.

Sen. Weiler resumed the chair.

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

**MOTION:** Sen. Kennedy moved to pass 3rd Substitute H.B. 181 out favorably. The motion passed with a vote of 3 - 0 - 3.

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<u>Yeas - 3</u> Sen. L. Escamilla Sen. M. Kennedy Sen. T. Weiler <u>Nays - 0</u>

<u>Absent - 3</u> Sen. K. Cullimore Sen. J. Stevenson Sen. D. Thatcher

### 5. S.B. 180 Court Jurisdiction Modifications (Plumb, J.)

Sen. Plumb presented the bill with the assistance of Will Carlson, Chief Policy Advisor, Salt Lake District Attorney's Office.

### **MOTION:** Sen. Kennedy moved to replace S.B. 180 with 1st Substitute S.B. 180. The motion passed with a vote of 3 - 0 - 3.

<u>Yeas - 3</u>	<u>Nays - O</u>	<u>Absent - 3</u>
Sen. L. Escamilla	-	Sen. K. Cullimore
Sen. M. Kennedy		Sen. J. Stevenson
Sen. T. Weiler		Sen. D. Thatcher

# **MOTION:** Sen. Kennedy moved to pass 1st Substitute S.B. 180 out favorably. The motion passed with a vote of 3 - 0 - 3.

<u>Yeas - 3</u>	<u>Nays - 0</u>	<u>Absent - 3</u>
Sen. L. Escamilla		Sen. K. Cullimore
Sen. M. Kennedy		Sen. J. Stevenson
Sen. T. Weiler		Sen. D. Thatcher

### 6. H.B. 174 Automatic Renewal Contract Requirements (Acton, C.K.)

**MOTION:** Sen. Kennedy moved to replace H.B. 174 with 1st Substitute H.B. 174. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4Nays - 0Absent - 2Sen. L. EscamillaSen. K. CullimoreSen. M. KennedySen. J. StevensonSen. D. ThatcherSen. T. Weiler

**MOTION:** Sen. Kennedy moved to amend 1st Substitute H.B. 174 with Amendment #1. The motion passed with a vote of 4 - 0 - 2.

Amendment 1 1st Sub. H.B. 174

1. Page 3, Lines 82 through 84:

82 (1) "Automatic renewal provision" means a provision under a contract that is

83 <u>automatically renewed at the end of a definite</u>, <u>paid</u> term for a subsequent, <u>paid</u> term that is longer than 45

84 <u>days.</u>

<u>Yeas - 4</u> Sen. L. Escamilla Sen. M. Kennedy Sen. D. Thatcher Sen. T. Weiler Nays - 0

<u>Absent - 2</u> Sen. K. Cullimore Sen. J. Stevenson

Rep. Acton presented the bill.

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MOTION:

Nays - 0

Navs - 0

<u>Yeas - 4</u> Sen. L. Escamilla Sen. M. Kennedy Sen. D. Thatcher Sen. T. Weiler

### 7. H.B. 21 Criminal Accounts Receivable Amendments (Wheatley, M.)

**MOTION:** Sen. Kennedy moved to replace H.B. 21 with 1st Substitute H.B. 21. The motion passed with a vote of 4 - 0 - 2.

Sen. Kennedy moved to pass 1st Substitute H.B. 174 out favorably. The motion passed with a vote

Absent - 2

Absent - 2

Sen. K. Cullimore

Sen. J. Stevenson

Sen. K. Cullimore

Sen. J. Stevenson

<u>Yeas - 4</u> Sen. L. Escamilla Sen. M. Kennedy Sen. D. Thatcher Sen. T. Weiler

Rep. Wheatley presented the bill with the assistance of Daniel Strong, Director, Sentencing Commission.

Paige Norton, citizen, spoke in favor of the bill.

of 4 - 0 - 2.

Trent Wall, citizen, spoke in favor of the bill.

MOTION: Sen. Escamilla moved to pass 1st Substitute H.B. 21 out favorably. The motion passed with a vote of 3 - 0 - 3.

<u>Yeas - 3</u>	<u>Nays - 0</u>	<u>Absent - 3</u>
Sen. L. Escamilla	-	Sen. K. Cullimore
Sen. M. Kennedy		Sen. J. Stevenson
Sen. T. Weiler		Sen. D. Thatcher

#### 8. 1st Sub. H.B. 234 Vital Record Information Modifications (Hayes, S.)

Rep. Hayes presented the bill.

**MOTION:** Sen. Escamilla moved to pass 1st Substitute H.B. 234 out favorably. The motion passed with a vote of 3 - 0 - 3.

<u>Yeas - 3</u> Sen. L. Escamilla Sen. M. Kennedy Sen. T. Weiler Nays - 0

Absent - 3 Sen. K. Cullimore Sen. J. Stevenson Sen. D. Thatcher

### 9. H.B. 249 Utah Legal Personhood Amendments (Brooks, W.)

Rep. Brooks presented the bill.

Karen Andrews, citizen, spoke in favor of the bill.

Sarah Woodbury, citizen, spoke in opposition to the bill.

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

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John Meier, citizen, spoke in opposition of the bill.

Sadie Braddock, citizen, spoke in opposition to the bill.

**MOTION:** Sen. Thatcher moved to pass H.B. 249 out favorably. The motion passed with a vote of 2 - 1 - 3.

<u>Yeas - 2</u>	<u>Nays - 1</u>	<u>Absent - 3</u>
Sen. M. Kennedy	Sen. T. Weiler	Sen. K. Cullimore
Sen. D. Thatcher		Sen. L. Escamilla
		Sen. J. Stevenson

**MOTION:** Sen. Kennedy moved to adjourn. The motion passed with a vote of 2 - 0 - 4.

<u>Yeas - 2</u> Sen. M. Kennedy Sen. T. Weiler <u>Nays - 0</u>

<u>Absent - 4</u> Sen. K. Cullimore Sen. L. Escamilla Sen. J. Stevenson Sen. D. Thatcher

Chair Weiler adjourned the meeting at 5:15 p.m..

NOTE: S.B. 0157 was not discussed in the meeting.