



# MINUTES

## HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE

### STANDING COMMITTEE

LEGISLATURE

Wednesday, February 7, 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. Stephen L. Whyte

**Members Absent:**

Rep. Andrew Stoddard

**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](http://www.le.utah.gov).

Chair Gwynn called the meeting to order at 2:05 p.m.

**MOTION:** Rep. Hall moved to approve the minutes of February 1, 2024. The motion passed with a vote of 6 - 0 - 6.

Yeas - 6

Rep. M. Gwynn  
Rep. K. Hall  
Rep. S. Hayes  
Rep. S. Hollins  
Rep. V. Peterson  
Rep. R. Wilcox

Nays - 0

Absent - 6

Rep. M. Ballard  
Rep. J. Burton  
Rep. T. Lee  
Rep. K. Lisonbee  
Rep. A. Stoddard  
Rep. S. Whyte

**1. H.B. 424 Lewdness Involving a Child Amendments (Jack, C.)**

Rep. Colin Jack presented the bill.

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

Corinne Johnson, President, Utah Parents United, spoke in support of the bill.

Suzanna Johnson, citizen, spoke in support of the bill.

Goud Maragani, Chair, Utah Gay-Straight Coalition, spoke in support of the bill.

Haylee Caplin, President, Washington County Republican Women, spoke in support of the bill.

Alexis Ence, First Vice President, Washington County Republican Women, spoke in support of the bill.

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

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

Marina Lowe, Policy Director, Equality Utah, spoke in opposition to the bill.

Wade Cook, Legislative Director, Utah Eagle Forum, spoke in support of the bill.

Will Carlson, Chief Policy Advisor, Salt Lake County District Attorney's Office and representing Statewide Association of Prosecutors, spoke to the bill.

Diane Livingston, Utah Parents United, spoke in support of the bill.

**MOTION:** Rep. Hall moved to replace H.B. 424 with 2nd Substitute H.B. 424. The motion passed with a vote of 7 - 0 - 5.

Yeas - 7

Rep. M. Gwynn  
Rep. K. Hall  
Rep. S. Hayes  
Rep. S. Hollins  
Rep. T. Lee  
Rep. K. Lisonbee  
Rep. S. Whyte

Nays - 0

Absent - 5

Rep. M. Ballard  
Rep. J. Burton  
Rep. V. Peterson  
Rep. A. Stoddard  
Rep. R. Wilcox

**MOTION:** Rep. Hall moved to amend 2nd Substitute H.B. 424 with Amendment #1.  
Amendment 1  
2nd Sub. H.B. 424

1. Page 2, Lines 44 through 50:

44 (iii) masturbates; [or]

45 [~~(iv) performs any other act of lewdness; or~~]

46 (b) does any of the following in the presence of a child who is under 14 years old with

47 the intent to cause affront or alarm to the child or with the intent to arouse or gratify the sexual desire of the

48 actor or the child:

49 (i) simulates masturbation;

50 (ii) performs an act of simulated intercourse or sodomy;

Will Carlson answered questions from the committee.

The motion to amend passed with a vote of 7 - 0 - 5.

Yeas - 7

Rep. M. Gwynn  
Rep. K. Hall  
Rep. S. Hayes  
Rep. S. Hollins  
Rep. T. Lee  
Rep. K. Lisonbee  
Rep. S. Whyte

Nays - 0

Absent - 5

Rep. M. Ballard  
Rep. J. Burton  
Rep. V. Peterson  
Rep. A. Stoddard  
Rep. R. Wilcox

**MOTION:** Rep. Lisonbee moved to pass 2nd Substitute H.B. 424 out favorably as amended. The motion passed with a vote of 6 - 2 - 4.

Yeas - 6

Rep. M. Ballard  
Rep. M. Gwynn  
Rep. K. Hall  
Rep. T. Lee  
Rep. K. Lisonbee  
Rep. S. Whyte

Nays - 2

Rep. S. Hayes  
Rep. S. Hollins

Absent - 4

Rep. J. Burton  
Rep. V. Peterson  
Rep. A. Stoddard  
Rep. R. Wilcox

**2. H.B. 418 Student Offender Reintegration Amendments (*Matthews, A.*)**

Rep. Ashlee Matthews presented the request with the assistance of Ben Horsley, Chief of Staff, Granite School District.

Pamela Vickery, Utah Juvenile Defender Attorneys, spoke to the bill.

Maryann Christensen spoke in support of the bill.

Nate Mudder, Co-chair, Law Enforcement Legislative Committee, spoke in support of the bill.

Kelly Bush, Mayor, Kearns Metro Township, spoke in support of the bill.

Erin Preston, education attorney, spoke in opposition to the bill.

Zach Young, Sergeant, Unified Police Department, spoke in support of the bill.

**MOTION:** Rep. Lisonbee moved to amend H.B. 418 with Amendment #1. The motion passed with a vote of 10 - 0 - 2.

**Amendment 1  
H.B. 418**

1. Page 4, Lines 98 through 109:

98 (4) (a) Each LEA shall adopt a policy for responding to when a student has committed  
99 a violent felony or sexual crime.

100 (b) The policy described in Subsection (4)(a) shall:

101 (i) address a violent felony or sexual misconduct related to hazing;

102 (ii) distinguish procedures for when the crime occurs on school property and off of  
103 school property;

104 (iii) {provide a process to receive and consider input from local law enforcement

105 regarding an appropriate placement for the student to receive educational services} if a student has  
committed a violent felony or sexual crime, provide a process for a school resource officer to provide input for the  
LEA to consider regarding the safety risks a student may pose upon reintegration ;

106 (iv) establish a process to inform a school resource officer of any student who is on  
107 probation;

108 (v) create procedures for determining an alternative placement for a student if the  
109 student attends the same school as:

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. S. Whyte

Rep. R. Wilcox

Nays - 0

Absent - 2

Rep. V. Peterson

Rep. A. Stoddard

**MOTION:** Rep. Lisonbee moved to amend H.B. 418 with Amendment #2. The motion passed with a vote of 10 - 0 - 2.

**Amendment 2  
H.B. 418**

1. Page 8, Lines 226 through 237:

226 (2) The parent or guardian is not liable for costs or damages under Subsection (1) if the

227 parent or guardian made a reasonable effort:  
228 (a) to supervise and direct the minor; or  
229 (b) to ~~restrain~~ prevent the minor if the parent or guardian knew in advance of the minor's intent  
230 to commit the repeated offense.  
231 (3) If a parent or guardian is found liable under this section, the court may waive part  
232 or all of the parent's or guardian's liability for costs or damages if the court finds:  
233 (a) good cause; or  
234 (b) that the parent or guardian:  
235 (i) made a reasonable effort to ~~restrain~~ prevent the minor from committing the wrongful  
236 conduct; and  
237 (ii) reported the minor's wrongful conduct to law enforcement after the parent or

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. S. Whyte  
Rep. R. Wilcox

Nays - 0

Absent - 2

Rep. V. Peterson  
Rep. A. Stoddard

**MOTION:** Rep. Lisonbee moved to pass H.B. 418 out favorably as amended. 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. S. Whyte  
Rep. R. Wilcox

Nays - 0

Absent - 2

Rep. V. Peterson  
Rep. A. Stoddard

### **3. H.B. 226 Burglary Modifications (Acton, C.K.)**

Rep. Cheryl Acton presented the bill with the assistance of Will Carlson.

Sam Knight, Utah Association of Criminal Defense Attorneys, spoke to the bill.

**MOTION:** Rep. Hayes moved to pass H.B. 226 out favorably. The motion passed with a vote of 9 - 0 - 3.

Yeas - 9

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. R. Wilcox

Nays - 0

Absent - 3

Rep. V. Peterson  
Rep. A. Stoddard  
Rep. S. Whyte

#### **4. H.B. 370 Dispatcher Discipline Amendments (*Defay, A.*)**

Rep. Ariel Defay presented the bill.

Nicholeen Peck spoke in opposition to the bill.

Kim Gibb, Director of Legislative and Government Affairs, Department of Public Safety, answered questions from the committee.

**MOTION:** Rep. Wilcox moved to pass H.B. 370 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. S. Whyte  
Rep. R. Wilcox

Nays - 0

Absent - 2

Rep. V. Peterson  
Rep. A. Stoddard

**MOTION:** Rep. Wilcox moved to place H.B. 370 on the Consent Calendar. 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. S. Whyte  
Rep. R. Wilcox

Nays - 0

Absent - 2

Rep. V. Peterson  
Rep. A. Stoddard

#### **5. 2nd Sub. S.B. 63 Board of Pardons and Parole Amendments (*Pitcher, S.*)**

Sen. Stephanie Pitcher presented the bill with the assistance of Amanda Montague, Assistant Attorney General representing the Board of Pardons and Parole.

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

**MOTION:** Rep. Burton moved to pass 2nd Substitute S.B. 63 out favorably. The motion passed with a vote of 9 - 0 - 3.

Yeas - 9

Rep. M. Ballard  
Rep. J. Burton  
Rep. M. Gwynn  
Rep. K. Hall  
Rep. S. Hayes  
Rep. S. Hollins  
Rep. T. Lee  
Rep. S. Whyte  
Rep. R. Wilcox

Nays - 0

Absent - 3

Rep. K. Lisonbee  
Rep. V. Peterson  
Rep. A. Stoddard

**6. 1st Sub. S.B. 88 Juvenile Justice Amendments (*Pitcher, S.*)**

Sen. Pitcher presented the bill.

**MOTION:** Rep. Hayes moved to pass 1st Substitute S.B. 88 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. S. Whyte  
Rep. R. Wilcox

Nays - 0

Absent - 4

Rep. T. Lee  
Rep. K. Lisonbee  
Rep. V. Peterson  
Rep. A. Stoddard

**7. 3rd Sub. S.B. 109 Corrections Modifications (*Owens, D.R.*)**

Sen. Derrin Owens presented the bill with the assistance of Brian Redd, Executive Director, Department of Corrections.

Tom Ross spoke in support of the bill.

**MOTION:** Rep. Ballard moved to pass 3rd Substitute S.B. 109 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. S. Whyte  
Rep. R. Wilcox

Nays - 0

Absent - 4

Rep. T. Lee  
Rep. K. Lisonbee  
Rep. V. Peterson  
Rep. A. Stoddard

**8. S.B. 76 Evidence Retention Amendments (*Harper, W.*)**

Sen. Wayne Harper presented the bill.

Brady Cottam, Chief, Taylorsville Police Department, spoke in support of the bill.

Nate Mutter spoke in support of the bill.

Brian Gwilliam, Chief, Lone Peak Police Department and representing the Utah Chiefs of Police Association, spoke in support of the bill.

**MOTION:** Rep. Lee moved to pass S.B. 76 out favorably. The motion passed with a vote of 9 - 0 - 3.

Yeas - 9

Rep. M. Ballard  
Rep. J. Burton  
Rep. M. Gwynn  
Rep. K. Hall  
Rep. S. Hayes  
Rep. S. Hollins  
Rep. T. Lee  
Rep. S. Whyte  
Rep. R. Wilcox

Nays - 0

Absent - 3

Rep. K. Lisonbee  
Rep. V. Peterson  
Rep. A. Stoddard

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

Yeas - 9

Rep. M. Ballard  
Rep. J. Burton  
Rep. M. Gwynn  
Rep. K. Hall  
Rep. S. Hayes  
Rep. S. Hollins  
Rep. T. Lee  
Rep. S. Whyte  
Rep. R. Wilcox

Nays - 0

Absent - 3

Rep. K. Lisonbee  
Rep. V. Peterson  
Rep. A. Stoddard

Chair Gwynn adjourned the meeting at 4:18 p.m.