

## **MINUTES**

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

Monday, February 12, 2024 | 8:00 a.m. | 210 Senate Building

**Members Present:** 

Sen. Todd D. Weiler, Chair

Sen. Kirk A. Cullimore Sen. Michael S. Kennedy

Sen. Jerry W Stevenson

Sen. Daniel W. Thatcher

Staff Present:

Members Absent:

Sen. Luz Escamilla

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 8:05 a.m.

**MOTION:** Sen. Kennedy moved to approve the minutes of the February 8, 2024 meeting. The motion passed

with a vote of 3 - 0 - 3.

Yeas - 3 Nays - 0 Absent - 3

Sen. M. Kennedy
Sen. D. Thatcher
Sen. T. Weiler
Sen. T. Weiler
Sen. J. Stevenson

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

Count of Cases Filed with Criminal Defamation and Count of Dispositions with Criminal Defamation

#### States That Have Repealed Their Statutes

Rep. Shipp presented the bill with assistance of Will Carlson, Chief Policy Analyst, Salt Lake County District Attorney's Office.

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

Mark Moffat, Defense Attorney, Criminal Defense Lawyers Association, spoke in favor of the bill.

Robert Winterton, lawyer, spoke in favor of the bill.

Tyler Melling, Cedar City Councilman, spoke in favor of the bill.

Milton McLelland, citizen, spoke in favor of the bill.

Brad Green, chairman, Iron County Libertarian Party, spoke in favor of the bill.

**MOTION:** Sen. Thatcher moved to pass H.B. 158 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3 Nays - 0 Absent - 3

Sen. M. Kennedy
Sen. D. Thatcher
Sen. T. Weiler
Sen. J. Stevenson

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



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

Rep. Gwynn presented the bill.

Nate Mutter, co-chair, Utah Law Enforcement Legislative Committee, spoke in favor of the bill.

MOTION: Sen. Thatcher moved to pass H.B. 177 out favorably. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4 Nays - 0 Absent - 2

Sen. M. Kennedy Sen. K. Cullimore Sen. L. Escamilla Sen. J. Stevenson

Sen. D. Thatcher Sen. T. Weiler

#### 3. 2nd Sub. H.B. 204 Towing Requirements (Gwynn, M.)

Rep. Gwynn presented the bill.

Jeff Nigbur, Major, Utah Highway Patrol, spoke in favor of the bill.

MOTION: Sen. Kennedy moved to pass 2nd Substitute H.B. 204 out favorably. The motion passed with a vote

of 4 - 0 - 2.

Yeas - 4 Nays - 0 Absent - 2

Sen. M. Kennedy Sen. K. Cullimore Sen. J. Stevenson Sen. L. Escamilla

Sen. D. Thatcher Sen. T. Weiler

#### 4. 1st Sub. H.B. 68 Firearm Modifications (Stoddard, A.)

MOTION: Sen. Kennedy moved to replace 1st Substitute H.B. 68 with 2nd Substitute H.B. 68. The motion

passed with a vote of 3 - 0 - 3.

Yeas - 3 Nays - 0 Absent - 3 Sen. K. Cullimore Sen. M. Kennedy Sen. J. Stevenson Sen. L. Escamilla

Sen. T. Weiler Sen. D. Thatcher

MOTION: Sen. Kennedy moved to amend 2nd Substitute H.B. 68 with Amendment #2. The motion passed

with a vote of 3 - 0 - 3.

Amendment 2 2nd Sub. H.B. 68

Page 1, Lines 7 through 16:

LONG TITLE

General Description: 8

This bill addresses the sentencing for an individual { who uses or has a dangerous

10 weapon readily accessible for immediate use while convicted of distributing illegal drugs in certain circumstances.

11 Highlighted Provisions:

12 This bill:

13 { requires a court in certain circumstances to sentence an individual who uses or has a

dangerous weapon readily accessible for immediate use while distributing illegal

drugs to an indeterminate prison term } requires a court, with certain exceptions, to sentence an individual convicted of distributing drugs to an indeterminate prison term if the individual, while distributing the drugs, intentionally or knowingly:

had a dangerous weapon readily accessible for immediate use; or

distributed a firearm or possessed a firearm with intent to distribute the firearm; and

 makes technical and conforming changes. 16

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- Page 3, Lines 70 through 77:
- (ii) The court shall impose and may not suspend an indeterminate prison term for a 70
- person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii) that is a first
- degree felony or a second degree felony if the trier of fact finds beyond a reasonable doubt that,
- during the commission or furtherance of the violation, the person intentionally or knowingly:
- 74 (A) used, drew, or exhibited a dangerous weapon, as that term is defined in Section
- 75 76-10-501, that is not a firearm, in an angry, threatening, intimidating, or coercive manner; {-or--}
- (B) used a firearm or had a firearm readily accessible for immediate use, as those terms 76
- are defined in Section 76-10-501{--}; or

(C) distributed a firearm, as that term is defined in Section 76-10-501, or possessed a firearm with intent to distribute the firearm.

- Page 13, Lines 377 through 384: 3.
- (ii) The court shall impose and may not suspend an indeterminate prison term for a 377
- person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii) that is a first 378
- 379 degree felony or a second degree felony if the trier of fact finds beyond a reasonable doubt that,
- during the commission or furtherance of the violation, the person intentionally or knowingly: 380
- 381 (A) used, drew, or exhibited a dangerous weapon, as that term is defined in Section
- 382 76-10-501, that is not a firearm, in an angry, threatening, intimidating, or coercive manner; {-or-}
- (B) used a firearm or had a firearm readily accessible for immediate use, as those terms 383
- are defined in Section 76-10-501 [...] : or 384

(C) distributed a firearm, as that term is defined in Section 76-10-501, or possessed a firearm with intent to distribute the firearm.

Yeas - 3 Navs - 0 Absent - 3 Sen. M. Kennedy Sen. K. Cullimore Sen. J. Stevenson Sen. L. Escamilla

Sen. T. Weiler Sen. D. Thatcher

Nate Mutter, co-chair, Utah Law Enforcement Legislative Committee, spoke in favor of the bill.

**MOTION:** Sen. Kennedy moved to pass 2nd Substitute H.B. 68 out favorably. The motion passed with a vote

of 3 - 0 - 3.

Yeas - 3 Navs - 0 Absent - 3 Sen. K. Cullimore Sen. M. Kennedy Sen. J. Stevenson Sen. L. Escamilla Sen. T. Weiler Sen. D. Thatcher

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

Rep. Stoddard presented the bill.

MOTION: Sen. Kennedy moved to pass H.B. 110 out favorably. The motion passed with a vote of 3 - 0 - 3.

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

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

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



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**MOTION:** Sen. Kennedy moved to pass H.B. 225 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. M. Kennedy
Sen. J. Stevenson
Sen. L. Escamilla
Sen. T. Weiler
Sen. D. Thatcher

#### 7. 1st Sub. H.B. 157 Child Custody Factor Amendments (Gricius, S.)

**MOTION:** Sen. Kennedy moved to replace 1st Substitute H.B. 157 with 2nd Substitute H.B. 157. The motion

passed with a vote of 3 - 0 - 3.

Yeas - 3 Nays - 0 Absent - 3

Sen. M. Kennedy
Sen. J. Stevenson
Sen. L. Escamilla
Sen. T. Weiler
Sen. D. Thatcher

Rep. Gricius presented the bill.

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

Goud Maragani, Chairman, Utah Gay-Straight Coalition, spoke in favor of the bill.

David Boettger, retired pediatrician, spoke to the bill.

**MOTION:** Sen. Kennedy moved to pass 2nd Substitute H.B. 157 out favorably. The motion passed with a vote

of 3 - 0 - 3.

Yeas - 3 Nays - 0 Absent - 3

Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler
Sen. T. Weiler
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Sen. T. Weiler

#### 8. 1st Sub. H.B. 223 Airport Weapon Possession Amendments (Gricius, S.)

Rep. Gricius presented the bill.

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

**MOTION:** Sen. Kennedy moved to pass 1st Substitute H.B. 223 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. K. Cullimore Sen. L. Escamilla Sen. M. Kennedy Sen. D. Thatcher

Sen. J. Stevenson Sen. T. Weiler

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

Rep. Judkins presented the bill.

Pamela Vickrey, Executive Director, Utah Juvenile Defender Attorneys, spoke in favor of the bill.

**MOTION:** Sen. Kennedy moved to pass H.B. 259 out favorably. The motion passed with a vote of 4 - 0 - 2.

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

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Yeas - 4 Absent - 2 Nays - 0

Sen. K. Cullimore Sen. L. Escamilla Sen. M. Kennedy Sen. D. Thatcher

Sen. J. Stevenson Sen. T. Weiler

MOTION: Sen. Kennedy moved to place H.B. 259 on the Consent Calendar. The motion passed with a vote of

4 - 0 - 2.

Yeas - 4 Nays - 0 Absent - 2

Sen. K. Cullimore Sen. L. Escamilla Sen. M. Kennedy Sen. D. Thatcher

Sen. J. Stevenson Sen. T. Weiler

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

Rep. Burton presented the bill.

MOTION: Sen. Kennedy moved to pass H.B. 336 out favorably. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4 Nays - 0 Absent - 2

Sen. L. Escamilla Sen. K. Cullimore Sen. D. Thatcher Sen. M. Kennedy

Sen. J. Stevenson Sen. T. Weiler

**MOTION:** Sen. Kennedy moved to place H.B. 336 on the Consent Calendar. The motion passed with a vote of

4-0-2.

Yeas - 4 Absent - 2 Nays - 0

Sen. K. Cullimore Sen. L. Escamilla Sen. M. Kennedy Sen. D. Thatcher

Sen. J. Stevenson Sen. T. Weiler

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

Yeas - 4 Nays - 0 Absent - 2

Sen. L. Escamilla Sen. K. Cullimore Sen. M. Kennedy Sen. D. Thatcher

Sen. J. Stevenson Sen. T. Weiler

Chair Weiler adjourned the meeting at 9:11 a.m.

NOTE: S.B. 0213 was not discussed in the meeting.