



MINUTES

HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE

STANDING COMMITTEE

LEGISLATURE

Friday, February 16, 2024 | 8:00 a.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. Trevor Lee
Rep. Andrew Stoddard

Rep. Stephen L. Whyte

Members Absent:

Rep. Sandra Hollins
Rep. Karianne Lisonbee
Rep. Val L. Peterson

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 8:06 a.m.

1. H.B. 480 Murdered and Missing Indigenous Relatives Amendments (*Romero, A.*)

Rep. Angela Romero presented the bill.

MOTION: Rep. Whyte moved to pass H.B. 480 out favorably. The motion passed with a vote of 5 - 0 - 7.

Yeas - 5

Rep. M. Ballard
Rep. M. Gwynn
Rep. S. Hayes
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 7

Rep. J. Burton
Rep. K. Hall
Rep. S. Hollins
Rep. T. Lee
Rep. K. Lisonbee
Rep. V. Peterson
Rep. S. Whyte

2. H.B. 477 Criminal Investigations of School Employees (*Birkeland, K.*)

Rep. Kera Birkeland presented the bill.

Jay Blain, Utah Education Association, spoke in support of the bill.

MOTION: Rep. Gwynn moved to move on to the next item. The motion passed with a vote of 5 - 0 - 7.

Yeas - 5

Rep. M. Ballard
Rep. M. Gwynn
Rep. S. Hayes
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 7

Rep. J. Burton
Rep. K. Hall
Rep. S. Hollins
Rep. T. Lee
Rep. K. Lisonbee
Rep. V. Peterson
Rep. S. Whyte

3. H.B. 166 Restricted Persons Amendments (*Judkins, M.*)

Rep. Marsha Judkins presented the bill with the assistance of Ryan Robinson, West Valley City prosecutor.

Connie Peterson, citizen, spoke in opposition to the bill.

Clark Aposhian, Chair, Utah Shooting Sports Council, spoke in support of the bill.

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

Rep. Gwynn assumed the chair.

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

Steve Burton, Utah Association of Criminal Defense Attorneys, spoke to the bill.

MOTION: Rep. Stoddard moved to amend H.B. 166 with Amendment #1. The motion passed with a vote of 7 - 0 - 5.

Amendment 1
H.B. 166

1. Page 2, Line 58 through Page 3, Line 61:

58 (a) who is included in at least one of the relationship categories described in
59 Subsection [76-10-503(1)(b)(xi)] { ~~76-10-503(1)(a)(vii)~~ 76-10-503(1)(a)(vi) ; or
60 (b) with whom none of the relationships described in Subsection [76-10-503(1)(b)(xi)]
61 { ~~76-10-503(1)(a)(vii)~~ 76-10-503(1)(a)(vi) apply.

2. Page 4, Lines 91 through 107:

91 (C) a substance listed in Section 58-37-4.2[-]; or
92 { ~~(vi) is a respondent or defendant subject to a protective order or child protective order~~
93 ~~that:~~
94 ~~—(A) is issued after a hearing for which the respondent or defendant received actual~~
95 ~~notice and at which the respondent or defendant has an opportunity to participate;~~
96 ~~—(B) restrains the respondent or defendant from harassing, stalking, threatening, or~~
97 ~~engaging in other conduct that would place an intimate partner, as defined in 18 U.S.C. Sec.~~
98 ~~921, or a child of the intimate partner, in reasonable fear of bodily injury to the intimate partner~~
99 ~~or child of the intimate partner; and~~
100 ~~—(C) includes a finding that the respondent or defendant represents a credible threat to~~
101 ~~the physical safety of an intimate partner or a child of the intimate partner, or a finding that~~
102 ~~explicitly prohibits the use, attempted use, or threatened use of physical force that would~~
103 ~~reasonably be expected to cause bodily harm against an intimate partner or a child of the~~
104 ~~intimate partner; or }~~
105 { ~~(vii)~~ (vi) except as provided in Subsection (1)(d), has been convicted of the commission or
106 attempted commission of misdemeanor assault under Section 76-5-102 or aggravated assault
107 under Section 76-5-103 against an individual:

3. Page 5, Line 146 through Page 6, Line 170:

146 States; {~~or~~}
147 {~~+~~} (xi) is a respondent or defendant subject to a protective order or child protective order
148 that is issued after a hearing for which the respondent or defendant received actual notice and at
149 which the respondent or defendant has an opportunity to participate, that restrains the
150 respondent or defendant from harassing, stalking, threatening, or engaging in other conduct that
151 would place an intimate partner, as defined in 18 U.S.C. Sec. 921, or a child of the intimate
152 partner, in reasonable fear of bodily injury to the intimate partner or child of the intimate
153 partner, and that:]
154 [(A) includes a finding that the respondent or defendant represents a credible threat to
155 the physical safety of an individual who meets the definition of an intimate partner in 18 U.S.C.
156 Sec. 921 or the child of the individual; or]
157 [(B) explicitly prohibits the use, attempted use, or threatened use of physical force that
158 would reasonably be expected to cause bodily harm against an intimate partner or the child of
159 an intimate partner; or {~~+~~}]

160 [(xii) except as provided in Subsection (1)(d), has been convicted of the commission or
161 attempted commission of misdemeanor assault under Section 76-5-102 or aggravated assault
162 under Section 76-5-103 against an individual:]
163 [(A) who is a current or former spouse, parent, or guardian;]
164 [(B) with whom the restricted person shares a child in common;]
165 [(C) who is cohabitating or has cohabitated with the restricted person as a spouse,
166 parent, or guardian;]
167 [(D) involved in a dating relationship with the restricted person within the last five
168 years; or]
169 [(E) similarly situated to a spouse, parent, or guardian of the restricted person.]
170 ~~{(xi)}~~ (xii) is an alien who is illegally or unlawfully in the United States.

4 . Page 6, Line 182 through Page 7, Line 187:

182 (ii) [As used in this section, a] A conviction for misdemeanor assault under Subsection
183 ~~[(1)(b)(xii)]~~ ~~{(1)(a)(vii)}~~ (1)(a)(vi), does not include a conviction which, in accordance with the law of the
184 jurisdiction in which the conviction occurred, has been expunged, set aside, reduced to an
185 infraction by court order, pardoned, or regarding which the person's civil rights have been
186 restored, unless the pardon, reduction, expungement, or restoration of civil rights expressly
187 provides that the person may not ship, transport, possess, or receive firearms.

5 . Page 7, Lines 192 through 193:

192 (d) A person is not a restricted person for a conviction under Subsection
193 ~~[(1)(b)(xii)(D)]~~ ~~{(1)(a)(vii)(D)}~~ (1)(a)(vi)(D) if:

6 . Page 7, Lines 200 through 201:

200 (ii) the person only has a single conviction for misdemeanor assault as described in
201 Subsection ~~[(1)(b)(xii)(D)]~~ ~~{(1)(a)(vii)(D)}~~ (1)(a)(vi)(D); and

Yeas - 7

Rep. M. Ballard
Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. T. Lee
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 5

Rep. J. Burton
Rep. S. Hollins
Rep. K. Lisonbee
Rep. V. Peterson
Rep. S. Whyte

MOTION: Rep. Stoddard moved to pass H.B. 166 out favorably. The motion passed with a vote of 7 - 1 - 4.

Yeas - 7

Rep. M. Ballard
Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. T. Lee
Rep. A. Stoddard
Rep. S. Whyte

Nays - 1

Rep. R. Wilcox

Absent - 4

Rep. J. Burton
Rep. S. Hollins
Rep. K. Lisonbee
Rep. V. Peterson

4. H.B. 130 Animal Fighting Penalties (Judkins, M.)

Rep. Judkins present the bill and provided a handout.

[HB 130 Animal Fighting Penalties](#)

Sundays Hunt, Utah Humane Society, spoke in support of the bill.

Terry Camp, Public Policy Vice President, Utah Farm Bureau Association, spoke in support of the bill.

MOTION: Rep. Hayes moved to amend H.B. 130 with Amendment #2. The motion passed with a vote of 8 - 0 - 4.

Amendment 2
H.B. 130

1. Page 2, Lines 48 through 50:
48 (3) (a) A violation of Subsection (2)(a), (b), (c), (d), (e), or (f) is a third degree felony.
49 ~~{(b) A violation of Subsection (2)(g) is a class A misdemeanor.}~~
50 ~~{(e)}~~ (b) A violation of Subsection ~~{(2)(h)}~~ (2)(g) or (h) is a class B misdemeanor.
2. Page 3, Lines 75 through 80:
75 (1) (a) As used in this section:
76 [(a)] (i) "Game fowl" means a fowl reared or used for fighting other fowl.
77 ~~—(ii) "Game fowl fighting paraphernalia" means gaffs, slashers, heels, or other sharp~~
78 ~~implement designed to be attached in place of the natural spur of a game fowl.}~~
79 [(b)] ~~{(iii)}~~ (ii) "Promote" means to engage in promoting, producing, or staging [events or
80 activities] an event or activity that involve game fowl fighting.
3. Page 4, Lines 102 through 115:
102 (3) (a) ~~[A person who violates Subsection (2) is, upon conviction, guilty of] A~~
103 violation of Subsection (2)(a), (b), (c), (d), (e), (f), or (g) is:
104 [(a)] (i) a class B misdemeanor for the first violation;
105 [(b)] (ii) a class A misdemeanor for the second violation; or
106 [(e)] (iii) a third degree felony for a third or subsequent violation.
107 ~~{(b) A violation of Subsection (2)(h) is a class A misdemeanor.}~~
108 ~~{(e)}~~ (b) A violation of Subsection ~~{(2)(i)}~~ (2)(h) or (i) is a class B misdemeanor.
109 ~~{(4) An actor's possession of game fowl fighting paraphernalia is prima facie evidence~~
110 ~~of a violation of Subsections (2)(c), (d), or (e) if:~~
111 ~~— (a) the actor possesses a game fowl; and~~
112 ~~— (b) evidence exists that the game fowl fighting paraphernalia is being used or is~~
113 ~~intended for use in the training of the game fowl to fight with another game fowl.}~~
114 ~~{(5)}~~ (4) This section does not prohibit the lawful use of livestock by the livestock owner, an
115 employee or agent of the livestock owner, or a person ~~[in the]~~ with lawful custody of livestock.

Yeas - 8
Rep. M. Ballard
Rep. J. Burton
Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. T. Lee
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 4
Rep. S. Hollins
Rep. K. Lisonbee
Rep. V. Peterson
Rep. S. Whyte

MOTION: Rep. Hayes moved to pass H.B. 130 out favorably as amended. 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. T. Lee
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 4
Rep. S. Hollins
Rep. K. Lisonbee
Rep. V. Peterson
Rep. S. Whyte

Rep. Wilcox resumed the chair.

5. H.B. 477 Criminal Investigations of School Employees (*Birkeland, K.*)

MOTION: Rep. Ballard moved to amend H.B. 477 with Amendment #1. The motion passed with a vote of 8 - 0 - 4.

Amendment 1
H.B. 477

1. Page 3, Lines 64 through 67:

64 (b) The local school board shall provide the employee the opportunity to return to
65 regular work if :

(i) the investigation described in Subsection (5)(a):

66 {~~(i)~~} (A) concludes without leading to criminal charges; or

67 {~~(ii)~~} (B) does not result in the conviction of the employee{~~.~~} ; and

(ii) the local school board determines that no further employment action is warranted.

Yeas - 8

Rep. M. Ballard
Rep. J. Burton
Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. T. Lee
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 4

Rep. S. Hollins
Rep. K. Lisonbee
Rep. V. Peterson
Rep. S. Whyte

MOTION: Rep. Ballard moved to pass H.B. 477 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. T. Lee
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 4

Rep. S. Hollins
Rep. K. Lisonbee
Rep. V. Peterson
Rep. S. Whyte

6. H.B. 474 Criminal Justice Changes (*Jack, C.*)

The bill will be heard on the next agenda.

7. 1st Sub. S.B. 131 Information Technology Act Amendments (*Harper, W.*)

The bill will be heard on the next agenda.

MOTION: Rep. Burton 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. T. Lee
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 4

Rep. S. Hollins
Rep. K. Lisonbee
Rep. V. Peterson
Rep. S. Whyte

Chair Wilcox adjourned the meeting at 8:49 a.m.