

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

Tuesday, February 20, 2024 4:00 p.m. 210 Senate Building

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

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 4:26 p.m.

MOTION: Sen. Kennedy moved to approve the minutes of the February 15, 2024 meeting. The motion passed with a vote of 4 - 0 - 2.

<u>Yeas - 4</u> Sen. L. Escamilla Sen. M. Kennedy Sen. J. Stevenson Sen. T. Weiler Navs - 0

<u>Absent - 2</u> Sen. K. Cullimore Sen. D. Thatcher

1. S.B. 200 State Commission on Criminal and Juvenile Justice Amendments (McKell, M.)

Changes enacted by 2nd Substitute SB200 with Amendment 1

MOTION: Sen. Kennedy moved to replace S.B. 200 with 2nd Substitute S.B. 200. The motion passed with a vote of 4 - 0 - 2.

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

MOTION: Sen. Kennedy moved to amend 2nd Substitute S.B. 200 with Amendment #1. The motion passed with a vote of 5 - 0 - 1.

Amendment 1 2nd Sub. S.B. 200

1. Page 8, Lines 213 through 215:

213 [(I)] (j) [the chair of the Utah Board of Juvenile Justice or a member of the Utah Board

214 of Juvenile Justice designated by the chair] the chair of the Juvenile Justice Oversight

215 Committee or a member of the Juvenile Justice Oversight Committee designated by the chair ;

2. Page 15, Lines 451 through 452:

451 (m) { the chair of the Utah Board of Juvenile Justice or a member of the Utah Board of

452 <u>Juvenile Justice designated by the chair</u> <u>chair of the Juvenile Justice Oversight Committee or a member of</u> the Juvenile Justice Oversight Committee designated by the chair ;

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<u>Nays - 0</u>

Yeas - 5 Sen. K. Cullimore Sen. L. Escamilla Sen. M. Kennedy Sen. J. Stevenson Sen. T. Weiler

MOTION: Sen. Kennedy moved to amend 2nd Substitute S.B. 200 with Amendment #2. The motion passed with a vote of 5 - 0 - 1.

Amendment 2

re2nd Sub. S.B. 200

1. Page 59, Line 1815 through Page 60, Line 1831:

1815 (3) (a) Before July 1, 2024, the commission shall create sentencing guidelines and

1816 <u>supervision length guidelines for the following offenses:</u>

1817 (i) an interlock restricted driver operating a vehicle without an ignition interlock system, Section 41-6a-518.2;

1818 {(iii) negligently operating a vehicle resulting in death, Section 76-5-207.

1819 (b) The guidelines under Subsection (3)(a) shall consider the following:

1820 (i) the current sentencing requirements for driving under the influence of alcohol,

1821 drugs, or a combination of both as identified in Section 41-6a-505 when injury or death do not 1822 result:

1823 (ii) the degree of injury and the number of victims suffering injury or death as a result

1824 of the offense;

1825 (iii) the offender's number of previous convictions for driving under the influence

1826 related offenses as defined in Subsection 41-6a-501(2)(a); { and }

(iv) the offender's number of convictions for an interlock restricted driver operating a vehicle without an ignition interlock system as described in Section 41-6a-518.2; and

1827 {(iv)} (v) whether the offender had a blood or breath alcohol level of .16 or higher, had a

1828 blood or breath alcohol level of .05 or higher in addition to any measurable controlled

1829 <u>substance, or had a combination of two or more controlled substances in the individual's body</u>

1830 that were not recommended in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid

1831 <u>Research and Medical Cannabis, or prescribed.".</u>

Yeas - 5 Sen. K. Cullimore Sen. L. Escamilla Sen. M. Kennedy Sen. J. Stevenson Sen. T. Weiler <u>Nays - 0</u>

Absent - 1 Sen. D. Thatcher

Absent - 1

Sen. D. Thatcher

Sen. McKell presented the bill.

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

Daniel Strong, Director, Sentencing Commission, spoke to the bill.

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

Richard Moure, Executive Director, Salt Lake Legal Defender Association, spoke in opposition to the bill.

Tom Ross, Executive Director, Commission on Criminal and Juvenile Justice (CCJJ), spoke to the bill.

Cara Tangaro, President-Elect, Utah State Bar, spoke in opposition to the bill.

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MOTION:

Sen. Cullimore moved to pass 2nd Substitute S.B. 200 out favorably. The motion passed with a vote of 4 - 2 - 0.

<u>Yeas - 4</u> Sen. K. Cullimore Sen. M. Kennedy Sen. J. Stevenson Sen. T. Weiler

2. S.B. 240 Government Records Access and Management Act Amendments (Bramble, C.)

MOTION: Sen. Kennedy moved to replace S.B. 240 with 1st Substitute S.B. 240. The motion passed with a vote of 3 - 0 - 3.

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

Nays - 2

Sen. L. Escamilla

Sen. D. Thatcher

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

Absent - 0

Sen. Bramble presented the bill

Renea Cowley, lobbyist, Utah Media Coalition, spoke to the bill.

Adam Herbets, citizen, spoke to the bill.

MOTION: Sen. Kennedy moved to pass 1st Substitute S.B. 240 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3Nays - 0Absent - 3Sen. L. EscamillaSen. K. CullimoreSen. M. KennedySen. J. StevensonSen. T. WeilerSen. D. Thatcher

3. H.B. 148 Artificial Pornographic Images Amendments (Defay, A.)

Rep. Defay presented the bill.

Adam Pomeroy, Assistant Attorney General, Attorney General's Office, spoke in favor of the bill.

MOTION: Sen. Escamilla moved to pass H.B. 148 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		

4. 2nd Sub. H.B. 197 Requirements for Supported Decision-making Agreements (Judkins, M.)

MOTION: Sen. Escamilla moved to replace 2nd Substitute H.B. 197 with 3rd Substitute H.B. 197. The motion passed with a vote of 4 - 0 - 2.

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

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

Rep. Judkins presented the bill with the assistance of Nate Crippes, Public Affairs Attorney, Disability Law Center.

Greg Mizener, citizen, spoke in opposition to the bill.

Andi Beadles, citizen, spoke in opposition to the bill.

Lisa Thornton, citizen, spoke in favor of the bill.

Megan Kroff, citizen, spoke in favor of the bill.

MOTION: Sen. Kennedy moved to pass 3rd Substitute H.B. 197 out favorably. The motion passed with a vote of 4 - 0 - 2.

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

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

5. 1st Sub. H.B. 203 Involuntary Commitment Amendments (Abbott, N.)

Rep. Abbott presented the bill.

Ross Van Vranken, Executive Director, Huntsman Mental Health Institute, Chair, Utah Hospital Association Behavioral Health Committee, spoke to the bill.

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

MOTION: Sen. Thatcher moved to pass 1st Substitute H.B. 203 out favorably. The motion passed with a vote of 3 - 0 - 3.

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

6. 1st Sub. H.B. 276 Crime Victims Restitution Amendments (MacPherson, M.)

Rep. Ballard presented the bill with the assistance of Susan Duehlmeier, citizen.

MOTION: Sen. Escamilla moved to pass 1st Substitute H.B. 276 out favorably. The motion passed with a vote of 3 - 0 - 3.

<u>Yeas - 3</u> Sen. L. Escamilla Sen. D. Thatcher Sen. T. Weiler Nays - O

<u>Absent - 3</u> Sen. K. Cullimore Sen. M. Kennedy Sen. J. Stevenson

Sen. Escamilla assumed the chair.

7. S.B. 234 Mortgage Commission (McKell, M.)

Sen. McKell presented the bill with the assistance of Jacey Skinner, attorney.

MOTION: Chair Weiler moved to pass S.B. 234 out favorably. The motion passed with a vote of 3 - 0 - 3.

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

8. H.B. 209 Human Trafficking Civil Action Amendments (Gricius, S.)

Rep. Gricius presented the bill.

MOTION: Chair Weiler moved to pass H.B. 209 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. D. Thatcher		Sen. M. Kennedy
Sen. T. Weiler		Sen. J. Stevenson

9. 1st Sub. H.B. 358 Pregnant and Postpartum Inmate Amendments (Pierucci, C.)

Rep. Pierucci presented the bill.

MOTION: Chair Weiler moved to pass 1st Substitute H.B. 358 out favorably. The motion passed with a vote of 4 - 0 - 2.

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

10. 1st Sub. H.B. 316 Inmate Assignment Amendments (Lisonbee, K.)

Rep. Lisonbee presented the bill.

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

Billy Palmer, Director of Campaigns, ACLU of Utah, spoke in opposition to the bill.

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

Laurel Smith, citizen, spoke in opposition to the bill.

David Boettger, citizen, spoke to the bill.

MOTION: Sen. Thatcher moved to pass 1st Substitute H.B. 316 out favorably. The motion passed with a vote of 4 - 0 - 2.

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

Nays - 0

<u>Absent - 2</u> Sen. J. Stevenson Sen. T. Weiler

Absent - 2

Absent - 2

Sen. J. Stevenson

Sen. T. Weiler

Sen. J. Stevenson

Sen. T. Weiler

11. H.B. 334 Warning Label Amendments (Brammer, B.)

Rep. Brammer presented the bill.

MOTION: Sen. Kennedy moved to pass H.B. 334 out favorably. The motion passed with a vote of 4 - 0 - 2.

<u>Yeas - 4</u> Sen. K. Cullimore Sen. L. Escamilla Sen. M. Kennedy Sen. D. Thatcher

12. H.B. 369 Defensive Force Amendments (Wilcox, R.)

Sen. Kennedy presented the bill.

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

MOTION: Sen. Kennedy moved to pass H.B. 369 out favorably. The motion passed with a vote of 4 - 0 - 2.

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

MOTION: Sen. Kennedy moved to adjourn at 6:54 p.m.. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4Nays - 0Sen. K. CullimoreSen. L. EscamillaSen. M. KennedySen. D. Thatcher

Acting Chair Escamilla adjourned the meeting.

NOTE: H.B. 0198 was not discussed in the meeting.