

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

Friday, February 23, 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 4:07 a.m.

MOTION: Sen. Kennedy moved to approve the minutes of the February 22, 2024 meeting. 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. K. Cullimore
Sen. J. Stevenson		Sen. L. Escamilla
Sen. T. Weiler		Sen. D. Thatcher

1. H.B. 356 Bail Amendments (Shipp, R.P.)

Rep. Shipp presented the bill.

MOTION: Sen. Kennedy moved to pass H.B. 356 out favorably. The motion passed with a vote of 3 - 0 - 3.

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

2. 1st Sub. H.B. 432 Child Abuse and Neglect Reporting Amendments (Loubet, A.)

1st Sub. H.B. 482 was presented in the 22 February, 2024 Senate Judiciary, Law Enforcement, and Criminal Justice meeting. The bill was brought back to todays meeting for additional public comment and a vote.

Jeff Buhman, Executive Director, Statewide Association of Prosecutors, spoke in favor of the bill.

Lisa Gallegos, citizen, spoke in opposition to the bill.

Gaud Maragani, Chairman, Gay/Straight Coalition, spoke in favor of the bill.

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

Crystal Young, citizen, spoke in favor of the bill.

MOTION: Sen. Kennedy moved to pass 1st Substitute H.B. 432 out favorably. The motion passed with a vote of 4 - 0 - 2.

SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

Yeas - 4 Sen. K. Cullimore Sen. M. Kennedy Sen. J. Stevenson Sen. T. Weiler <u>Nays - 0</u>

<u>Absent - 2</u> Sen. L. Escamilla Sen. D. Thatcher

3. 2nd Sub. H.B. 424 Lewdness Involving a Child Amendments (Jack, C.)

MOTION: Sen. Kennedy moved to replace 2nd Substitute H.B. 424 with 4th Substitute H.B. 424. The motion passed with a vote of 4 - 0 - 2.

<u>Yeas - 4</u> Sen. K. Cullimore Sen. M. Kennedy Sen. J. Stevenson Sen. T. Weiler <u>Nays - 0</u>

<u>Absent - 2</u> Sen. L. Escamilla Sen. D. Thatcher

Rep. Jack presented the bill.

Jeff Buhman, Executive Director, Statewide Association of Prosecutors, spoke in favor of the bill.

Gaud Maragani, Chairman, Gay/Straight Coalition, spoke in favor of the bill.

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

Jody Valantine, citizen, spoke in favor of the bill.

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

Delane England, Executive Board, Utah Eagle Forum, spoke in favor of the bill.

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

Haylee Caplin, President, Washington County Republican Woman, spoke in favor of the bill.

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

MOTION: Sen. Thatcher moved to amend 4th Substitute H.B. 424 with Amendment #1. The motion failed with a vote of 2 - 3 - 1.

Amendment 1 4th Sub. H.B. 424

1. Page 2, Lines 44 through 53:

44 (b) the actor is 18 years old or older and, under circumstances not amounting to rape of

45 <u>a child, object rape of a child, sodomy upon a child, sexual abuse of a child, aggravated sexual</u>

46 abuse of a child, or an attempt to commit any of those offenses, intentionally or knowingly

47 does any of the following in the presence of a child who is under 14 years old { with the intent to

48 <u>cause affront or alarm to the child or</u> } with the intent to arouse or gratify the sexual desire of the

49 actor or the child:

- 50 (i) simulates masturbation:
- 51 (ii) performs an act of simulated intercourse or sodomy;

52 (iii) displays the actor's male genitals or prosthetic male genitals in a discernibly turgid

53 state, even if completely and opaquely covered;

SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE

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

Sen. D. Thatcher

<u>Absent - 1</u> Sen. L. Escamilla

Absent - 1

Sen. L. Escamilla

MOTION: Sen. Kennedy moved to pass 4th Substitute H.B. 424 out favorably. The motion passed with a vote of 4 - 1 - 1.

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

4. 1st Sub. H.B. 49 Justice Court Reform Task Force Sunset Extension (Abbott, N.)

Nays - 1

Rep. Abbott presented the bill.

MOTION: Sen. Thatcher moved to pass 1st Substitute H.B. 49 out favorably. The motion passed with a vote of 4 - 0 - 2.

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

5. H.J.R. 1 Joint Resolution Supporting Justice Court Reform (Abbott, N.)

Rep. Abbott presented the bill.

MOTION: Sen. Cullimore moved to pass H.J.R. 1 out favorably. The motion passed with a vote of 4 - 0 - 2.

<u>Yeas - 4</u> Sen. K. Cullimore Sen. J. Stevenson Sen. D. Thatcher Sen. T. Weiler Navs - 0

<u>Absent - 2</u> Sen. L. Escamilla Sen. M. Kennedy

6. H.B. 338 Mentally III Offenders Amendments (Abbott, N.)

Rep. Abbott presented the bill.

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

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

MOTION: Sen. Cullimore moved to pass H.B. 338 out favorably. The motion passed with a vote of 5 - 0 - 1.

<u>Yeas - 5</u> Sen. K. Cullimore Sen. M. Kennedy Sen. J. Stevenson Sen. D. Thatcher Sen. T. Weiler

<u>Nays - 0</u>

<u>Absent - 1</u> Sen. L. Escamilla Nays - 0

7. H.B. 435 Truth in Advertising Amendments (Cobb, J.)

Rep. Cobb presented the bill.

MOTION: Sen. Kennedy moved to pass H.B. 435 out favorably. The motion passed with a vote of 5 - 0 - 1.

Yeas - 5 Sen. K. Cullimore Sen. M. Kennedy Sen. J. Stevenson Sen. D. Thatcher Sen. T. Weiler

8. 2nd Sub. H.J.R. 8 Joint Resolution Amending Rules of Civil Procedure on Change of Judge as a Matter of Right (*Gricius, S.*)

Rep. Gricius presented the bill.

Michael Drechsel, Assistant State Court Administrator, Administrative Office of the Courts, spoke in opposition to the bill.

Rep. Brady Brammer, spoke in favor of the bill.

MOTION: Sen. Cullimore moved to pass 2nd Substitute H.J.R. 8 out favorably. The motion passed with a vote of 3 - 2 - 1.

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

Absent - 1

Sen. L. Escamilla

9. H.B. 344 Judicial Rules Review Amendments (Brammer, B.)

Rep. Brammer presented the bill.

MOTION: Sen. Cullimore moved to pass H.B. 344 out favorably. The motion passed with a vote of 4 - 0 - 2.

<u>Yeas - 4</u> Sen. K. Cullimore Sen. J. Stevensor Sen. D. Thatcher Sen. T. Weiler	1	<u>Absent - 2</u> Sen. L. Escamilla Sen. M. Kennedy
MOTION:	Sen. Cullimore moved to place H.B. 344 on the Co	nsent Calendar. The motion

MOTION: Sen. Cullimore moved to place H.B. 344 on the Consent Calendar. The motion passed with a vote of 3 - 0 - 3.

<u>Yeas - 3</u> Sen. K. Cullimore Sen. J. Stevenson Sen. T. Weiler <u>Nays - 0</u>

<u>Absent - 3</u> Sen. L. Escamilla Sen. M. Kennedy Sen. D. Thatcher

10. 1st Sub. H.B. 414 Due Process Amendments (Teuscher, J.)

MOTION: Sen. Cullimore moved to amend 1st Substitute H.B. 414 with Amendment #2. The motion passed with a vote of 4 - 0 - 2.

SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

Amendment 2 1st Sub. H.B. 0414

1. Page 13, Lines 376 through 391:

- 376 to implement and enforce the policy governing behavior.
- 377 {<u>(5) Notwithstanding Subsection 63G-7-101(4), immunity from suit is waived if:</u>
- 378 (a) in response to a suit filed on or after May 1, 2024, by a government employee in the
- 379 government employee's personal capacity, the defendant files a suit or counterclaim against the
- 380 government employee:
- 381 (i) that arises out of the transaction or occurrence that is the subject matter of the
- 382 government employee's cause of action against the defendant; and
- 383 <u>(ii) for which the government employee would be immune under this chapter if the</u>
- 384 <u>defendant had filed suit against the government employee without the government employee</u>
 385 <u>first filing suit against the defendant; or</u>
- 386 (b) in a suit filed on or after May 1, 2024, by a plaintiff against a government employee
- 387 asserting a cause of action for which the government employee is immune under this chapter,
- 388 the government employee files a suit or counterclaim against the plaintiff, in the government
- 389 employee's personal capacity, that arises out of the transaction or occurrence that is the subject
- 390 matter of the plaintiff's cause of action against the government employee. }

Nays - 0

391 Section 11. Section 67-5-1 is amended to read:

<u>Yeas - 4</u> Sen. K. Cullimore Sen. J. Stevenson Sen. D. Thatcher Sen. T. Weiler

Rep. Teuscher presented the bill with the assistance of Tyler Coward, Lead Counsel - Government Affairs, Foundation for Individual Rights and Expression.

Absent - 2

Sen. L. Escamilla

Sen. M. Kennedy

Geoff Landward, Interim Commissioner, Utah System of Higher Education, spoke in favor of the bill.

Danica Baird, Chair, Utah Sexual Violence Policy Alliance, spoke in opposition to the bill.

Liliana Olvera, Executive Director, Utah Coalition Against Sexual Assault, spoke in opposition to the bill.

Marleece Jones, Executive Director, Victims Services Commission, member, Crime Victims Council, spoke in opposition to the bill.

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

Bethany Crisp, Systems Director, Utah Coalition Against Sexual Assault, spoke in opposition to the bill.

Di Lewis, spoke in opposition to the bill.

Kendra Wyckoff, Executive Director, Peace House, spoke in opposition of the bill.

Jo Huey, Sexual Assault Prevention Coordinator, Refuge Utah, spoke in opposition to the bill.

Andrew Cavarno, citizen of Oregon, spoke in favor to the bill.

Lori Jenkins, Director, Sexual Assault Services, Refuge Utah, spoke in opposition of the bill.

Jacob Hibbard, citizen, spoke in favor of the bill.

Jehymee Tholvoce, citizen, spoke in opposition of the bill.

SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

Nays - 0

Brooke Nelson, citizen, spoke in opposition of the bill.

MOTION: Sen. Thatcher moved to pass 1st Substitute H.B. 414 out favorably. The motion passed with a vote of 5 - 0 - 1.

<u>Absent - 1</u> Sen. L. Escamilla

Yeas - 5 Sen. K. Cullimore Sen. M. Kennedy Sen. J. Stevenson Sen. D. Thatcher Sen. T. Weiler

Sen. Cullimore assumed the chair.

11. S.B. 271 Expungement Changes (Weiler, T.)

Sen. Weiler presented the bill.

MOTION: Sen. Weiler moved to pass S.B. 271 out favorably. The motion passed with a vote of 3 - 0 - 3.

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

MOTION: Sen. Weiler moved to adjourn. The motion passed with a vote of 3 - 0 - 3.

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

Acting Chair Cullimore adjourned the meeting at 5:56 p.m..

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