



# DRAFT MINUTES

## HOUSE JUDICIARY STANDING COMMITTEE

Wednesday, February 21, 2024 | 4:00 p.m. | 110 Senate Building

**Members Present:**

Rep. Jon Hawkins, Chair  
Rep. Nelson T. Abbott, Vice Chair  
Rep. Cheryl K. Acton  
Rep. Kera Birkeland  
Rep. Tyler Clancy  
Rep. Brian S. King  
Rep. Anthony E. Loubet  
Rep. Judy Weeks Rohner

Rep. Rex P. Shipp  
Rep. Christine F. Watkins  
Rep. Mark A. Wheatley

**Members Absent:**

Rep. Karianne Lisonbee

**Staff Present:**

Jonathan Adams, Policy Analyst  
Tisha Gibby, 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 Abbott called the meeting to order at 4:09 p.m.

**MOTION:** Rep. Hawkins moved to approve the February 20, 2024 minutes. The motion passed with a vote of 7 - 0 - 5.

Yeas - 7

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. J. Hawkins  
Rep. B. King  
Rep. J. Rohner  
Rep. R. Shipp

Nays - 0

Absent - 5

Rep. T. Clancy  
Rep. K. Lisonbee  
Rep. A. Loubet  
Rep. C. Watkins  
Rep. M. Wheatley

**1. H.B. 196 Sexual Abuse Amendments (Ivory, K.)**

[Ritual abuse and Civil Statutes of Limitations](#)

Rep. Ken Ivory presented the bill with the assistance of Mike Smith, Utah County Sheriff and President of the Utah Sheriffs' Association, and Cara Baldree, survivor.

Brett Bluth, survivor, spoke in favor of the bill.

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

Rabbi Avremi Zippel, Chair, Utah Council for Victims of Crime, spoke to the bill.

Cindy Metcalf, Executive Director, Relentless Hope, spoke in favor of the bill.

Kimberli Raya Koen, survivor, spoke in favor of the bill.

Jason Randall, Lieutenant, Utah County Sheriff's Office, spoke in favor of the bill.

Marlesse Jones, Victim Services Commission, spoke in favor of the bill.

Katie Stahl, Utah Director, Right on Crime, spoke in favor of the bill.

Dustin Parmley, public defender, spoke to the bill.

Chelcie Hope, citizen, spoke in favor of the bill.

**MOTION:** Rep. Shipp moved to replace H.B. 196 with 1st Substitute H.B. 196. The motion passed with a vote of 11 - 0 - 1.

Yeas - 11

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. T. Clancy  
Rep. J. Hawkins  
Rep. B. King  
Rep. A. Loubet  
Rep. J. Rohner  
Rep. R. Shipp  
Rep. C. Watkins  
Rep. M. Wheatley

Nays - 0

Absent - 1

Rep. K. Lisonbee

**MOTION:** Rep. Birkeland moved to pass 1st Substitute H.B. 196 out favorably. The motion passed with a vote of 10 - 1 - 1.

Yeas - 10

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. T. Clancy  
Rep. J. Hawkins  
Rep. A. Loubet  
Rep. J. Rohner  
Rep. R. Shipp  
Rep. C. Watkins  
Rep. M. Wheatley

Nays - 1

Rep. B. King

Absent - 1

Rep. K. Lisonbee

## **2. H.B. 409 Presumption of State Jurisdiction Amendments (Ivory, K.)**

[Federal Overreach Stories](#)

[State-Federal Jurisdiction Over Lands Within a State](#)

[State-Federal Jurisdiction](#)

[Why State Sovereignty Matters](#)

Rep. Ivory presented the bill with the assistance of Gloria Vindas, citizen.

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

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

Jen Brown, President, Utah Citizens for the Constitution, spoke in favor of the bill.

**MOTION:** Rep. Shipp moved to replace H.B. 409 with 1st Substitute H.B. 409. The motion passed with a vote of 8 - 0 - 4.

Yeas - 8

Rep. N. Abbott  
Rep. C. Acton  
Rep. T. Clancy  
Rep. J. Hawkins  
Rep. B. King  
Rep. J. Rohner  
Rep. R. Shipp  
Rep. C. Watkins

Nays - 0

Absent - 4

Rep. K. Birkeland  
Rep. K. Lisonbee  
Rep. A. Loubet  
Rep. M. Wheatley

**MOTION:** Rep. Shipp moved to pass 1st Substitute H.B. 409 out favorably. The motion passed with a vote of 8 - 2 - 2.

Yeas - 8

Rep. N. Abbott  
Rep. C. Acton  
Rep. T. Clancy  
Rep. J. Hawkins  
Rep. A. Loubet  
Rep. J. Rohner  
Rep. R. Shipp  
Rep. C. Watkins

Nays - 2

Rep. B. King  
Rep. M. Wheatley

Absent - 2

Rep. K. Birkeland  
Rep. K. Lisonbee

**3. H.B. 456 Protection Order Amendments (*Teuscher, J.*)**

[HB456 Protection Order Amendments](#)

Rep. Jordan Teuscher presented the bill.

**MOTION:** Rep. Shipp moved to pass H.B. 456 out favorably. The motion passed with a vote of 9 - 0 - 3.

Yeas - 9

Rep. N. Abbott  
Rep. C. Acton  
Rep. J. Hawkins  
Rep. B. King  
Rep. A. Loubet  
Rep. J. Rohner  
Rep. R. Shipp  
Rep. C. Watkins  
Rep. M. Wheatley

Nays - 0

Absent - 3

Rep. K. Birkeland  
Rep. T. Clancy  
Rep. K. Lisonbee

**4. H.B. 459 Blended Plea Amendments (*Teuscher, J.*)**

Rep. Teuscher presented the bill.

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

Will Carlson, Salt Lake County District Attorney's Office, spoke to the bill.

Chris Yannelli, Deputy Utah County Attorney, spoke to the bill.

Mike Smith, Utah County Sheriff's Association, spoke to the bill.

Paul Wake, Deputy Utah County Attorney, spoke to the bill.

Pamela Vickrey, Director, Utah Juvenile Defender Attorneys, spoke to the bill.

**MOTION:** Rep. Rohner moved to go to the next item on the agenda.

**SUBSTITUTE MOTION:** Rep. Loubet moved to replace H.B. 459 with 2nd Substitute H.B. 459. The substitute motion passed with a vote of 10 - 0 - 2.

Yeas - 10

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. T. Clancy  
Rep. J. Hawkins  
Rep. B. King  
Rep. A. Loubet  
Rep. J. Rohner  
Rep. C. Watkins  
Rep. M. Wheatley

Nays - 0

Absent - 2

Rep. K. Lisonbee  
Rep. R. Shipp

**MOTION:** Rep. Loubet moved to pass 2nd Substitute H.B. 459 out favorably. The motion passed with a vote of 7 - 3 - 2.

Yeas - 7

Rep. N. Abbott  
Rep. K. Birkeland  
Rep. T. Clancy  
Rep. J. Hawkins  
Rep. B. King  
Rep. A. Loubet  
Rep. M. Wheatley

Nays - 3

Rep. C. Acton  
Rep. J. Rohner  
Rep. C. Watkins

Absent - 2

Rep. K. Lisonbee  
Rep. R. Shipp

Brett Peterson, Director, Juvenile Justice and Youth Services, provided some clarification.

**5. 2nd Sub. S.B. 104 Children's Device Protection Act (Weiler, T.)**

Sen. Todd Weiler presented the bill with the assistance of Benjamin Bull, Senior Vice President, General Counsel, and Director of the National Center on Sexual Exploitation.

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

Gayle Ruzicka, Utah Eagle Forum, spoke in favor of the bill.

Melissa McKay, mother and advocate, spoke in favor of the bill.

Tina Seastrand, Digital Wellness Specialist, Utah Parent Teacher Association, spoke in favor of the bill.

Linda Zenger, mother and grandmother, spoke in favor of the bill.

Maryann Christensen, Utah Legislative Watch, spoke in favor of the bill.

Chris McKenna, Founder, Protect Young Eyes, spoke in favor of the bill.

**MOTION:** Rep. Clancy moved to replace 2nd Substitute S.B. 104 with 4th Substitute S.B. 104. The motion passed with a vote of 10 - 0 - 2.

Yeas - 10  
 Rep. N. Abbott  
 Rep. C. Acton  
 Rep. K. Birkeland  
 Rep. T. Clancy  
 Rep. J. Hawkins  
 Rep. B. King  
 Rep. A. Loubet  
 Rep. J. Rohner  
 Rep. C. Watkins  
 Rep. M. Wheatley

Nays - 0

Absent - 2  
 Rep. K. Lisonbee  
 Rep. R. Shipp

**MOTION:** Rep. King moved to amend 4th Substitute S.B. 104 with Amendment #1. The motion passed with a vote of 10 - 0 - 2.

Amendment 1  
 4th Sub. S.B. 104

1. Page 3, Lines 82 through 85:  
 82 (3) "Filter" means generally accepted and commercially reasonable software used on a device that is {  
 83 reasonably} capable of preventing  
 84 the device from accessing or displaying obscene material through Internet browsers or search  
 85 engines owned or controlled by the manufacturer in accordance with prevailing industry standards via mobile  
 data networks, wired  
 85 Internet networks, and wireless Internet networks.
2. Page 4, Lines 88 through 90:  
 88 (a) (i) is engaged in the business of manufacturing a device;  
 89 ~~{(b)}~~ (ii) holds the patents for the device the person manufactures; ~~{and}~~ or  
(iii) holds the patents for the operating system on a device; and  
 90 ~~{(c)}~~ (b) has a commercial registered agent as that term is defined in Section 16-17-102.
3. Page 4, Lines 93 through 107:  
 93 (7) "Obscenity" means the same as that term is defined in Section 32B-1-504.  
(8) "Operating system" means software that manages all of the other application programs on a device.  
 94 ~~{(8)}~~ (9) "Password" means a string of characters or other secure method used to enable,  
 95 deactivate, modify, or uninstall a filter on a device.  
 96 ~~{(9)}~~ (10) (a) "Retailer" means a person, that is not a manufacturer, that sells a device directly  
 97 to consumers.  
 98 (b) "Retailer" includes an employee of a retailer acting in the course and scope of the  
 99 employee's employment.  
 100 ~~{(10)}~~ (11) "Smart phone" means the same as that term is defined in Section 63A-2-101.5.  
 101 ~~{(11)}~~ (12) "Tablet" means a mobile device that:  
 102 (a) is equipped with a mobile operating system, touchscreen display, and rechargeable  
 103 battery; and  
 104 (b) has the ability to support access to a cellular network.  
 105 ~~{(12)}~~ (13) "Video game console" means a discrete computing system, including the system's  
 106 components and peripherals, primarily used for playing video games, but does not include a  
 107 smartphone or tablet.
4. Page 4, Lines 112 through 114:  
 112 (2) ~~{determine the age of a user}~~ ask the user to provide the user's age during activation and account set-  
 up;  
 113 (3) automatically enable the filter when the user is a minor based on the ~~{determination}~~ age provided by  
the user as described  
 114 in Subsection (2);
5. Page 5, Lines 128 through 131:  
 128 makes a good faith effort to provide a device that, upon activation of the device in the state~~{and~~  
 129 using the age provided by the user, automatically enables a generally accepted and  
 130 commercially reasonable filter that blocks obscene content on all Internet browsers or search

131 [engines accessed on the device in accordance with this section](#) } [. automatically enables a filter in accordance with Section 78B-6-2602 .](#)

Yeas - 10

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. T. Clancy  
Rep. J. Hawkins  
Rep. B. King  
Rep. A. Loubet  
Rep. J. Rohner  
Rep. C. Watkins  
Rep. M. Wheatley

Nays - 0

Absent - 2

Rep. K. Lisonbee  
Rep. R. Shipp

**MOTION:** Rep. Hawkins moved to pass 4th Substitute S.B. 104 out favorably as amended. The motion passed with a vote of 10 - 0 - 2.

Yeas - 10

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. T. Clancy  
Rep. J. Hawkins  
Rep. B. King  
Rep. A. Loubet  
Rep. J. Rohner  
Rep. C. Watkins  
Rep. M. Wheatley

Nays - 0

Absent - 2

Rep. K. Lisonbee  
Rep. R. Shipp

Rep. Hawkins assumed the chair.

### **6. H.B. 544 Mental Health Amendments (*Abbott, N.*)**

Rep. Abbott presented the bill with the assistance of Nate Crippes, Disability Law Center.

Rena Rogers, Executive Director, Mental Health America of Utah, spoke in favor of the bill.

**MOTION:** Rep. Watkins moved to pass H.B. 544 out favorably. The motion passed with a vote of 10 - 0 - 2.

Yeas - 10

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. T. Clancy  
Rep. J. Hawkins  
Rep. B. King  
Rep. A. Loubet  
Rep. J. Rohner  
Rep. C. Watkins  
Rep. M. Wheatley

Nays - 0

Absent - 2

Rep. K. Lisonbee  
Rep. R. Shipp

**MOTION:** Rep. Loubet moved to adjourn. The motion passed with a vote of 10 - 0 - 2.



Yeas - 10

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. T. Clancy  
Rep. J. Hawkins  
Rep. B. King  
Rep. A. Loubet  
Rep. J. Rohner  
Rep. C. Watkins  
Rep. M. Wheatley

Nays - 0

Absent - 2

Rep. K. Lisonbee  
Rep. R. Shipp

Chair Hawkins adjourned the meeting at 6:51 p.m.