

Date: 2-4-21

## **House Judiciary Committee**

### **Bill: 3rd Sub. HB 158 Juvenile Interrogation Amendments**

Sponsor: Rep. Judkins

Floor Sponsor:

#### **UASD Position: Tracking**

This Bill: addresses the interrogation of minors who are in custody for an offense.

Discussion: Rep. Judkins shared a story of minors in her neighborhood who were interrogated for an offense last summer. She learned that anyone over the age of 14 can waive their Miranda rights without input from an adult, even though their brain may not be fully developed. Monica Diaz explained that this bill extends the protections afforded to youth 13 and under to all youth. Pamela Vickrey, executive director of Utah Juvenile Defender Attorneys, explained that the prefrontal cortex does not fully develop until an individual's mid-20s. Adolescents rely heavily on their emotions. The research shows that they are significantly disadvantaged in a law enforcement context. Children are currently not required to speak with a parent or attorney before an interrogation. Rep. Judkins noted that they are speaking to the third substitute. Rep. Abbott asked about lines 98-99. He said it can be interpreted to mean that a minor can waive their right to counsel at any one stage in a court proceeding. He recommended that it say "at any stage" rather than "at all stages." Rep. Birkeland asked if there are other instances that led to this bill. Rep. Judkins said yes, there are other instances that she's aware of. One such instance is an officer interrogating a child in a school setting. Nicholeen Peck, president of the Worldwide Organization for Women, spoke in support of the bill. She said it keeps the family at the center of a child's life. Brian William spoke on behalf of the Utah Chiefs of Police Association. He said they believe the third substitute is a much better bill. He said there is room for discussion on making some exceptions. Adam Trupp spoke on behalf of the Indigent Defense Commission in support of the bill. Nike Peterson spoke in support of the bill. Mark Moffat, criminal defense lawyer, spoke in support of the bill. Jason Groth spoke on behalf of the ACLU of Utah in support of the bill. Sherri Mattle spoke on behalf of the Utah Parent Teacher Association in support of the bill. Joanna Landau, director of the Utah Indigent Defense Commission, recommended that the lines on 98-99 remain the same. The bill was replaced with the third substitute. Rep. Snow said this is a delicate issue because it involves relationships with law enforcement.

Yeas: 9

Nays: 0

N/V: 3

**Outcome: Passed unanimously with a favorable recommendation.**

Date: 2-4-21

**House Judiciary Committee**

**Bill: HB 87 Electronic Information and Data Privacy Amendments**

Sponsor: Rep. Hall

Floor Sponsor:

**UASD Position: Tracking**

This Bill: amends provisions related to the privacy of electronic data and information.

Discussion: Rep. Hall said this bill has been in the works since 2019. It consists of consensus clean-up language from HB 57 passed in 2019. Various stakeholders requested changes to the bill, but since not everyone agreed, the changes were not made. Daniel Burton spoke in support of the bill. Jason Groth spoke on behalf of the ACLU of Utah in support of the bill. Nate Mutter spoke on behalf of the Utah Law Enforcement Legislative Committee in support of the bill. It alleviates some unintended consequences of HB 57 in 2019.

Yeas: 7

Nays: 0

N/V: 5

**Outcome: Passed unanimously with a favorable recommendation.**