

Date: 2-18-21

House Judiciary Committee

Bill: 3rd Sub. HB 227 Self Defense Amendments

Sponsor: Rep. Lisonbee

Floor Sponsor: Sen. Hinkins

UASD Position: Tracking with Concern

This Bill: provides immunity for the justifiable use or threatened use of force.

Discussion: Rep. Lisonbee noted that there is a 3rd substitute. Criminal defense attorney Mitch Vilos said the right to self defense is not being treated as inalienable. The bill allows for a pretrial hearing where a judge may consider the issue of self defense. Unless the state comes forward with clear evidence that it was not a self defense incident, the case will not go forward. The Utah Shooting Sports Council supports the bill. Criminal defense attorney Mark Moffat spoke in support of the bill. Rep. Brammer asked what the purpose is for preliminary hearings in use of force cases. Mr. Moffat said preliminary hearings used to have a broader scope. Now they are simply used for the judge to determine probable cause. This bill restores the previous scope of preliminary hearings. The Salt Lake County District Attorney and the Utah County Attorney oppose the bill. The 3rd substitute was adopted. Rep. Abbott said this will give the defendant a fair shot.

Yeas: 7

Nays: 2

N/V: 3

Outcome: 3rd Sub. HB 227 passed out of committee with a favorable recommendation.

Bill: SB 98 Asset Forfeiture Amendments

Sponsor: Sen. Weiler

Floor Sponsor: Rep. Lisonbee

UASD Position: Tracking

This Bill: amends provisions related to asset forfeiture.

Discussion: Sen. Weiler explained that the bill addresses jurisdiction when a district court receives property. The agency that seizes the property must appear before a state judge before giving the property to a federal agency. The Libertas Institute, the Statewide Association of Prosecutors and Public Attorneys, and the Utah Attorney General support the bill.

Yeas: 10

Nays: 0

N/V: 2

Outcome: SB 98 passed out of committee with a favorable recommendation.