

2-22-21

House Law Enforcement and Criminal Justice Committee

Bill: HB 301, Domestic Violence Training Amendments

Sponsor: Rep. Pierucci

Floor Sponsor: Sen. Fillmore

UASD Position: Tracking

This Bill: provides for domestic violence and lethality assessment training for law enforcement officers and reporting requirements.

Discussion: Senator Fillmore said this bill creates a domestic violence training through Police Officer Standards and Training (“POST”) with an optional online hybrid training for domestic violence and lethality training. The sponsor said the Utah Commission on Criminal and Juvenile Justice (“CCJJ”), Utah Department of Public Safety, and the Division of Child and Family Services will be compiling data to be brought to this Committee during the interim. The Utah Department of Public Safety stated the training will contain how to approach domestic violence, while having an online class option. The Utah Chiefs of Police Association and CCJJ voiced support for this bill. The 1st substitute was adopted and amended by the Committee.

Yeas: 8

Nays: 0

N/V: 3

Outcome: 1st Substitute HB 301, as amended, passed out of committee with a favorable recommendation

Bill: HB 334, Special Needs Training for Law Enforcement Amendments

Sponsor: Rep. Eliason

Floor Sponsor: Sen. Thatcher

UASD Position: Tracking

This Bill: requires peace officer training to include training on autism spectrum disorder and other mental illnesses.

Discussion: This bill requires peace officer training to include training on the spectrum for Autism and other neurological disorders. The co-presenter, a constituent of the sponsor, said this bill gives officers the training they need to understand how to intervene with individuals on the autism spectrum during a mental health crisis. The Disability Law Center, the Director of Police Officers Standards and Training, the Utah Sheriffs Association and members of the public voiced support for this bill. The Bill was amended by the committee.

Yeas: 10

Nays: 0

N/V: 1

Outcome: HB 334, as amended, passed out of committee with a favorable recommendation.

Bill: HB 237, Lethal Force Amendments

Sponsor: Rep. Dailey-Provost

Floor Sponsor:

UASD Position: Tracking

This Bill: modifies when a peace officer may use lethal force.

Discussion: The 3rd Substitute was adopted by the committee. Rep. Dailey-Provost said this bill clarifies if someone is suicidal, and not a risk to anyone else, officers will not be allowed to use lethal force. Black Lives Matter Utah, members of the public, Utah Chiefs of Police Association, Fraternal Order of Police, District Attorney's Office, ACLU of Utah, American Foundation for Suicide Prevention and Utah NAACP voiced support of this bill. The Commission on Criminal and Juvenile Justice voiced opposition to this bill.

Yeas: 11

Nays: 0

N/V: 0

Outcome: 3rd Substitute HB 237 passed out of committee with a favorable recommendation

Bill: HB 78, Consent Amendments

Sponsor: Rep. Romero

Floor Sponsor:

UASD Position: Support

This Bill: creates the offense of sexual conduct without affirmative consent.

Discussion: The 1st substitute was adopted by the committee. The co presenter, Professor Cassel, said this bill would set up a standard of affirmative consent where Utah law does not have affirmative consent law. The bill states that an adult who engages in sexual conduct without affirmative consent is guilty of a third degree felony. Rep. Gibson asked what the definition of affirmative consent is. Professor Cassel said someone indicates by word or action that they do want to proceed further. Members of the committee expressed concern that this is opening up the door to more problems. Rep. Gwynn voiced concern for what would be classified as affirmative consent. The Utah Attorney General's Office voiced support for this bill. Rep. Gibson expressed concern that innocent individuals are going to be prosecuted. The Rape Recovery Center, Utah NAACP, Utah Law Enforcement Legislative Committee, Rep. Stoddard, Rep. Ray, Rep. Hollins and Rep. Judkins voiced support for this bill. The Salt Lake Legal Defenders Association and some members of the public voiced opposition to this bill.

Yeas: 5

Nays: 6

N/V: 0

Outcome: Motion failed to pass out 1st substitute HB 78 with a favorable recommendation