

Senate Judiciary, Law Enforcement, and Criminal Justice Committee
February 28th, 2025

Bill: 4th substitute HB 38 – Criminal Offenses Modifications

Sponsor: Representative Ryan D. Wilcox

Floor Sponsor: Senator Calvin R. Musselman

UASD Position: Support

This Bill addresses changes related to certain criminal offenses and enhancements.

Discussion: Representative Wilcox presented the 4th substitute of the Bill, which was adopted by the Committee. He noted that this Bill originated from and was worked on by an interim committee. The sponsor explained that the Bill addresses criminal street gangs, particularly those that recruit minors and prevent them from leaving. It also increases penalties for organized retail theft, applying to individuals working in concert with two or more others. The third major component targets sex trafficking through illicit massage parlors in the state. Additionally, the sponsor raised concerns about sexual extortion, especially in cases involving criminal organizations operating outside the country that target minors for explicit images.

Senator Weiler inquired about the fiscal note, and the sponsor replied that discussions on this matter were still ongoing. Senator Weiler then asked why this Bill, among all criminal enhancement Bills, should receive support. The sponsor emphasized that the Bill's most critical aspects involve criminal offenses against minors. He further explained that the Bill had been narrowly tailored to maintain its intended impact while minimizing unnecessary overreach, with the goal of significantly reducing crime rates in the state.

The Defense Attorney Association remained neutral on the Bill, acknowledging the sponsor's efforts to refine its scope. The Litigation Division Chief with the Attorney General's Office, the Salt Lake County District Attorney's Office (speaking on behalf of the Statewide Association of Prosecutors, or "SWAP"), and the Unified Police Department ("UPD") are in support of the Bill.

Yeas: 4

Nays: 0

N/V: 5

Outcome: 4th substitute HB 38 passed out of the Committee with a favorable recommendation.

Bill: 1st substitute HB 271 – Meeting or Procession Disruption Amendments

Sponsor: Representative Matt MacPherson

Floor Sponsor: Senator Michael K. McKell

UASD Position: Support

This Bill modifies the criminal offense concerning disrupting a meeting or procession.

Discussion: The sponsor explained that this legislation was prompted by reports of protesters taunting churchgoers and blocking access to places of worship. The Bill clarifies the mens rea requirement by changing "intending to disrupt" to "intentionally or knowingly", making it easier to enforce, as proving intent is often difficult. It also refines the definition of criminal interference with processions or meetings. The sponsor emphasized that such disruptions violate the First Amendment right to assembly and stated that the Bill simply clarifies existing law. The Utah Legislative Watch spoke in favor of the Bill. No further discussion followed.

Yeas: 5

Nays: 0

N/V: 4

Outcome: 1st substitute HB 271 passed out of the Committee with a favorable recommendation.