

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, January 20, 2021

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lakey, Vice Chairman Ricks, Senators Lodge, Lee, Thayn, Zito, Burgoyne, and Wintrow

ABSENT/ EXCUSED: Senator Anthon

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Lakey** called the Senate Judiciary and Rules Committee (Committee) to order at 1:35 p.m.

VOTE ON GUBERNATORIAL APPOINTMENT: **Senator Thayn** moved to send the gubernatorial appointment of Sean Walsh to the Idaho Public Defense Commission to the floor with a recommendation that he be confirmed by the Senate. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Appointment of Patrick McDonald of Boise, Idaho, to the Commission of Pardons and Parole (Commission)**, for a term commencing January 1, 2021, and expiring January 1, 2024. **Patrick McDonald** gave an overview of his background, including his experience as a U.S. Marshal and his close work with the Idaho Department of Corrections (IDOC). These experiences provide a foundation for this position he said. He outlined his duties as a member of the Commission, expressing his concern for the challenges parolees face when attempting to integrate back into society.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Appointment of Michael Ross of Meridian, Idaho, to the Commission of Pardons and Parole**, for a term commencing January 11, 2021, and expiring January 1, 2024. **Michael Ross** discussed his background in the Marine Corps and with the prison ministry. He stated his responsibility as a member of the Commission is to offer parolees hope, improve their self-confidence, and to impact society in a positive way.

RS 28266 **Relating to the Idaho Wrongful Conviction Act.** **Senator Ricks** reminded the Committee that a similar bill was introduced last year, supported by the Legislature, and then vetoed. **RS 28266** alleviates the concerns expressed by the Governor that led to his veto.

MOTION: **Senator Lee** moved to send **RS 28266** to print. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairman Lakey passed the gavel to Vice Chairman Ricks.

DOCKET NO. 50-0101-2001 **Rules of the Commission of Pardons and Parole (CPP).** **Ashley Dowell**, Executive Director, Commission of Pardons and Parole, noted that this rule relates to the service of process on commissioners and CPP staff. The rule is designed to provide safety by requiring legal process to be conducted through a Deputy Attorney General, and not directly to commissioners or commission staff residences.

- MOTION:** **Senator Lodge** moved to approve **Docket No. 50-0101-2001**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.
- DOCKET NO. 50-0101-2101** **Rules of the Commission of Pardons and Parole (CPP) relating to Persons Convicted of Vehicular Manslaughter or DUI.** **Ms. Dowell** explained that this is a temporary rule, adopted in November. The purpose of this rule is to extend the time limit allowing the CPP to take the rule through the traditional rule making process. This rule contains changes involving time frames for requesting a pardon for vehicular manslaughter and Driving Under the Influence (DUI) offenses, and for aligning the language between pardons and commutations.
- MOTION:** **Senator Lee** moved to approve **Docket 50-0101-2101**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.
- DOCKET NO. 11-0000-2000F** **Rules Governing Alcohol Beverage Control and Rules Governing State Criminal History Records and Crime Information.** **Major Charlie Spencer**, Idaho State Police Rule Review Officer, stated the rules presented today have been reviewed to identify and eliminate rules in accordance with the Governor's Red Tape Reduction Act. **Major Spencer** informed the Committee that there are no changes in these rules, and there are no changes to the fee. These rules were previously adopted by the Legislature.
- MOTION:** **Senator Lakey** moved to approve **Docket 11-0000-2000F**. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.
- DOCKET NO. 11-1001-2000F** **Rules Governing Idaho Public Safety and Security Information System.** **Major Spencer** stated there are no changes to the rule nor to the fees in this docket.
- MOTION:** **Senator Burgoyne** moved to approve **Docket 11-1001-2000F**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.
- DOCKET NO. 11-1101-2000-F** **Rules of the Idaho Peace Officer Standards and Training Council.** **Major Spencer** stated there are no changes to the rule nor to the fees in this docket.
- MOTION:** **Senator Wintrow** moved to approve **Docket No. 11-1101-2000F**. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.
- DOCKET NO. 21-0000-2000F** **Rules Governing Admission, Residency and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure and Rules Governing The Idaho State Veterans Cemetery.** **Major Spencer** informed the Committee that this rule did not fall under his purview. No action was taken.
- DOCKET NO. 57-0101-2000F** **Rules of the Sexual Offender Management Board.** **Nancy Volle**, Program Manager for the Idaho Sexual Offender Management Board (SOMB), gave an overview of the history and makeup of SOMB (see Attachment 1). **Ms. Volle** explained changes to the rules include the following:
- allowing providers to obtain all required continuing education through online educational resources;
 - updating reference information;
 - eliminating redundant documents; and
 - updating documents regarding polygraphs.
- This docket also updates rules to reflect revised standards and guidelines for adult sexual offender management practices; and for practitioners, evaluations, and treatment of juvenile sex offenders.
- MOTION:** **Senator Wintrow** moved to approve **Docket No. 57-0101-2000F**. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**PASSED THE
GAVEL:**

Vice Chairman Ricks passed the gavel to Vice Chairman Lakey.

ADJOURNMENT:

There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:30 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary

Carol Cornwall
Assistant Secretary