

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Monday, February 12, 2024

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Lakey, Vice Chairman Foreman, Senators Lee, Anthon, Ricks, Hart, Hartgen, Wintrow, Ruchti

**ABSENT/ EXCUSED:** None

**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 meeting of the Senate Judiciary & Rules Committee (Committee) to order at 1:30 p.m.

**Chairman Lakey** passed the gavel to Vice Chairman Foreman.

**DOCKET NO.: 62-0101-2301** **Idaho Rules of Administrative Procedure (New Chapter)**, Bryan Nickels, Chief Administrative Hearing Officer, Office of Administrative Hearings (OAH), stated the pending rules were the new Idaho Rules of Administrative Procedure which would govern practices and procedures in contested cases before most of Idaho's agencies. The Idaho Attorney General's Office was originally responsible for the rules and upon creation of the Office of Administrative Hearings, the responsibility for them was transferred to the OAH. The transfer created an opportunity to simplify and update the rules. **Mr. Nickels** indicated that the OAH followed the procedures required for rule modifications and engaged with the public and interested State agencies. Comments were received from several agencies as well as private council.

**DISCUSSION:** **Chairman Lakey** asked Mr. Nickels to describe some of the public input and how it was incorporated. **Mr. Nickels** responded that most of the input came through agencies when they were attending their public meetings. Outreaches were made and discussions were held about the creation of the OAH agency. The most significant comments came from the Department of Environmental Quality (DEQ). All questions or concerns were addressed and resolved.

**Senator Lee** questioned Mr. Nickels relating to the kind of steps the rule making might take in the upcoming year. **Mr. Nickels** replied that the agencies were quite receptive to the rules being updated. He explained there was not as much input as expected. He believed that as the new rules were adopted and used, there would be feedback about things that worked and things that did not. Mr. Nickels expected to make tweaks as corrections needed to be made.

**Senator Wintrow** confirmed with Mr. Nickels that there was not anything so egregious that it would harm the process. **Mr. Nickels** added that was correct. Redundancy use was eliminated, language was simplified and reorganization was done. He assured her the intention was to be receptive to whatever input was received.

**MOTION:** **Senator Lee** moved to approve **Docket No. 62-0101-2301**. **Chairman Lakey** seconded the motion. The motion carried by **voice vote**.

**RS 31004C1** **Senator Nichols** presented **RS 31004C1** relating to swatting and the inherent dangers to public and private sectors. The consequences of swatting were severe and often lead to dangerous situations, unnecessary use of law enforcement resources, and the potential for harm or injury to the individuals who were falsely targeted. Swatting was reported as a false police report and a misdemeanor fine was imposed.

**Senator Nichols** stated this legislation added clarification to the existing section of code and added a new section to provide for the crime of false reporting of violence or emergencies in public or private places. False reports resulting in property damage, bodily injury, or death would be guilty of a misdemeanor or felony based on the severity of the charges. The new section clarifies that convicted individuals would be ordered to pay restitution to the injured party.

**MOTION:** **Senator Anthon** moved to send **RS 31004C1** to print. **Senator Ruchti** seconded the motion.

**DISCUSSION:** **Senator Lee** asked for more conversation on why there were some mandatory sentences written into the legislation.

**MOTION:** The motion carried by **voice vote**.

**RS 31026** **Senator Trakel** explained that under current Idaho law, a child under the age of 18 could be charged with prostitution. Law enforcement had indicated that this was a way predators kept children and individuals involved in this crime. If the predator found out, he could show the children the Idaho statute to coerce them out of fear that they would be arrested for prostitution. The legislation was a joint effort between law enforcement, the Attorney General's Office, and Senator Trakel.

**MOTION:** **Senator Lee** moved to send **RS 31026** to print. **Senator Foreman** seconded the motion. The motion carried by **voice vote**.

**RS 31128** **Senator Anthon** stated that **RS 31128** related to the constitutional right of privacy on one's property. This legislation pertained especially to open fields for farmers and ranchers. The purpose was to make sure that their property was not subject to search by the government without the proper finding of the court or other exigent circumstances.

**MOTION:** **Senator Hart** moved to send **RS 31128** to print. **Senator Lee** seconded the motion.

**DISCUSSION:** **Chairman Lakey** commented there would be a discussion to make sure the State's ability to search stayed intact. The motion carried by **voice vote**.

**MOTION:** The motion carried by **voice vote**.

**RS 31274** **Senator Anthon** said this legislation was a result of a prosecuting attorney who had trouble prosecuting an incest case because of the statute of limitations. **RS 31274** would remove the statute of limitations.

**MOTION:** **Senator Hartgen** moved to send **RS 31274** to print. **Senator Wintrow** seconded the motion. The motion passed by **voice vote**.

**RS 31320** **Chairman Lakey** explained that this was a single subject resolution for a balanced budget related to the Article V Convention. The founding fathers gave states the right to request a convention to propose amendments to the Constitution. It required two-thirds of the states to apply and required three-fourths of the states to ratify the proposal. Congress had demonstrated they did not have the ability to handle the budget issue.

**MOTION:** **Senator Ricks** moved to send **RS 31320** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:**

Chairman Lakey passed the gavel to Vice Chairman Foreman.

**RS 31328**

**Chairman Lakey** explained **RS 31328** was a single subject Article V Resolution request regarding term limits. He indicated there was a high level of constituent support for this bill. He stated there may be a chance that this legislation would cause those in Washington, DC, to initiate a change in this area before a convention was called.

**MOTION:**

**Senator Anthon** moved to send **RS 31328** to print. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:**

Vice Chairman Foreman passed the gavel back to Chairman Lakey.

**RS 31236**

**Senator Lee** stated this legislation was similar to one that was placed in the amending order last session. The focus was to financially incentivize the local judges to retire early. There was a grandfather clause that included any current Supreme Court Justice, Judge of the Court of Appeals, or District Judge who was serving before April 1, 2024. The legislation included a limitation that if one decided to apply for a Plan B, which is within the court's discretion, and they did so before finishing their elected term, that position would be replaced by a Senior Judge and would be open for an election in the next available election.

**MOTION:**

**Senator Ricks** moved to send **RS 31236** to print. **Senator Foreman** seconded the motion. The motion carried by **voice vote**.

**RS 31326**

**Senator Lee** explained there was a growing gap between the fines that were being assessed in lieu of jail time and the fines that were being paid to the counties. This legislation would ask that the court and counties partner together to have a fine review to encourage payment of these fees.

**MOTION:**

**Senator Ricks** moved to send **RS 31326** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**RS 31335**

**Senator Wintrow** stated this legislation would allow the juvenile corrections system an opportunity to do an assessment and screening, and to provide for other trauma needs of a child who was involved in human trafficking.

**MOTION:**

**Senator Ruchti** moved to send **RS 31355** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**RS 30855**

**Senator Ruchti** explained that this bill had a lot of well educated people working on it and the changes introduced would provide some clarity in areas where there had been questions in the current code. He asked the Committee to print the legislation, and the authors would be prepared to explain the concrete and comprehensive changes.

**MOTION:**

**Senator Anthon** moved to send **RS 30855** to print. **Senator Hartgen** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:**

There being no further business to come before the Committee, **Chairman Lakey** adjourned the meeting at 3:00 p.m.

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Senator Lakey  
Chair

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Sharon Pennington  
Secretary