

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Monday, March 11, 2024

TIME: 1:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lakey, Vice Chairman Foreman, Senators Anthon, Ricks, Hart, Hartgen and Wintrow

ABSENT/ EXCUSED: Senators Lee and Ruchti

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.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Ricks** moved to send the Gubernatorial appointment of Scott Madison to the Idaho Judicial Council to the floor with the recommendation that he be confirmed by the Senate. **Senator Hartgen** seconded the motion. The motion carried by **voice vote**.

S 1413 FIREARMS, EXPLOSIVES, AND OTHER DEADLY WEAPONS - Amends and adds to existing law to revise a provision regarding a false report of explosives and to provide for the crime of false reports of violence or emergency in public or private places. **Senator Nichols** stated that **S 1413** was legislation that related to swatting or the act of intentionally calling in a false report to emergency services claiming a threat or violent incident at the residence of a victim. She continued that the goal was to provoke a response from law enforcement to send out the Special Weapons and Tactics Team (SWAT) in an attempt to put victims and police in dangerous situations. **Senator Nichols** explained that current law only allowed charging someone with a false police report, which was a misdemeanor. This legislation expanded the penalty of the offense to better reflect the severity of the crime. She expanded that Idaho had seen 15 cases in the first year of recording these offenses, which affected many different locations all across the State. **Senator Nichols** explained the revisions done to the bill from a previous version and pointed to section 3 which related to bomb threats. She finished by touching on the Idaho Prosecuting Attorneys Association support in rewriting this legislation with help from a series of other stakeholders.

DISCUSSION: **Senator Foreman** asked what the nexus was between the crime of making a false report and the resulting damage. **Senator Nichols** responded that there may be many ways that damage could be assessed, but the most common would relate to property damage, which she used the example of a kicked-down door.

Senator Wintrow asked how the police would determine if a call was a false report. **Senator Nichols** explained that this legislation gave discretion to the courts, but also pointed to an example of police going to a hostage situation and finding no hostages as a clear sign that it might be a false report.

TESTIMONY: **Paul Riggins**, Chairperson of the Idaho Association of Criminal Defense Lawyers (IACDL) Legislative Committee, testified in opposition to **S 1413**. **Mr. Riggins** appreciated the concern of the legislation and Senator Nichols's discussion on the bill but pointed to the fiscal impact possibly being incorrect and a general opposition from IACDL about mandatory minimums. He finished by raising concerns about the damages section and how causation could be shown in these cases and urged the committee to send **S 1413** to the 14th Order for possible amendment.

DISCUSSION: **Senator Nichols** stated that she had communicated with stakeholders to make sure that the legislation aligned with Idaho code. She believed that the bill did provide enough judicial discretion and urged the committee to send it to the floor with a do pass recommendation.

MOTION: **Senator Foreman** moved to send **S 1413** to the floor with a do pass recommendation. **Senator Hart** seconded the motion. The motion passed by **voice vote**.

DISCUSSION: **Senator Hartgen** expressed she did not believe that there was enough judicial discretion in the bill and reserved her right to change her vote on the floor. **Chairman Lakey** pointed to sections in the bill where it laid out punishment for specific levels of offense.

H 544 **Senator VanOrden** requested that discussion on **H 544** be continued on Wednesday.

MOTION: **Senator Anthon** moved to continue the hearing on **H 544** until Wednesday. **Senator Hart** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL: Chairman Lakey passed the gavel to Vice Chairman Foreman

H 654 **STATE BOARD OF CORRECTION - Amended existing law to establish provisions regarding prisoners who secured employment with a private employer.** **Senator Lakey** explained that **H 654** related to prisoners who were members of an employment program which allowed them to have a normal employment job outside of the prison. **Senator Lakey** continued that this bill required businesses that employed prisoners to treat them in the same manner as any other employee in relation to pay and benefits. He clarified that this legislation did not require a business to provide new or expanded benefits to prison employees, just that they would be on equal ground with traditional employees.

TESTIMONY: **Josh Tewalt**, Director of the Idaho Department of Corrections (Department), testified in support of **H 654**. He noted a series of benefits that the work release program provided to prisoners. **Director Tewalt** explained that current inconsistencies in Idaho code had allowed for a large percentage of inmates to not take advantage of their private health insurance, which this bill intended to fix. He finished by touting the success of the program not only for inmates, but also for the businesses and communities they worked in.

Senator Wintrow asked if this had been a common issue. **Director Tewalt** responded that the Department had a screening process for employers so they had not seen it as a common issue, but had procedures if it were to occur.

DISCUSSION: **Chairman Lakey** closed the debate by stating that it was good policy for the State and the people.

MOTION: **Senator Anthon** moved to send **H 654** to the floor with a do pass recommendation. **Senator Wintrow** seconded the motion. The motion passed by **voice Vote**.

S 1278

MOTOR VEHICLES - Amended existing law to revise a provision regarding an ignition interlock system. Senator Lakey explained that **S 1278** had been brought before the committee earlier, but had received questions from defense attorneys regarding concerns about the bill which were answered and brought before the committee again. He continued that **S 1278** related to the time frame in which interlock devices were placed into vehicles of drivers off suspension.

TESTIMONY:

Ellisa Massoth of the Idaho Association of Criminal Defense Lawyers (IACDL) testified in support of the legislation. **Ms. Massoth** explained that IACDL had been against the legislation in its previous form, but were now neutral, due to changes made and stood for questions.

Senator Wintrow asked what the original concern for IACDL was and what change to the legislation alleviated those concerns. **Ms. Massoth** responded that their concern was having language be too simple as to have the criminal and civil cases have different responses. IACDL wanted full confirmation from the Idaho Transportation Department (ITD) before supporting the bill. **Senator Wintrow** asked about the business of interlock and government oversight of the corporation. **Ms. Massoth** explained the rules behind being an interlock business in the State of Idaho. She continued that the costs to Idaho citizens to have devices installed and removed were prohibitively high for many people across Idaho.

DISCUSSION:

Senator Lakey closed by thanking ITD for their input on **S 1278** and noted that this legislation was purely about timing of the interlock device installation and removal, not about the business side of the device which was an issue for another day.

MOTION:

Senator Anthon moved to send **S 1278** to the floor with a do pass recommendation. **Senator Hartgen** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL:

Vice Chairman Foreman passed the gavel back to Chairman Lakey

ADJOURNED:

There being no further business at this time, **Chairman Lakey** adjourned the meeting at 1:47 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary

Griffin Zue
Substitute Secretary