

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, March 20, 2024

TIME: 1:00 P.M.

PLACE: Room WW54

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

ABSENT/ EXCUSED: Lee

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 1:03 p.m.

MINUTES APPROVAL: **Senator Ruchti** moved to approve the Minutes of February 7, 2024. **Senator Hartgen** seconded the motion. The motion passed by **voice vote**.

MINUTES APPROVAL: **Senator Anthon** moved to approve the Minutes of February 12, 2024. **Senator Foreman** seconded the motion. The motion passed by **voice vote**.

MINUTES APPROVAL: **Senator Foreman** moved to approve the Minutes of February 16, 2024. **Senator Wintrow** seconded the motion. The motion passed by **voice vote**.

MINUTES APPROVAL: **Senator Hartgen** moved to approve the Minutes of February 19, 2024. **Senator Lee** seconded the motion. The motion passed by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Anthon** moved to send the Gubernatorial appointment of Darin Burrell to the Sexual Offender Management Board to the floor with recommendation that he be confirmed by the senate. **Senator Ruchti** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment of John Dinger to the Sexual Offender Management Board** to serve a term commencing January 1, 2024 and expiring January 1, 2027. **Mr. Dinger** introduced himself to the committee and stated that he was a prosecutor with Ada County in Meridian, Idaho and had been serving on the Sex Offender Management Board for a couple of years.

DISCUSSION: **Senator Wintrow** asked Mr. Dinger about any lessons that he had learned during his time on the Sexual Offenders Management Board (Board). **Mr. Dinger** responded that working on the board with a multidisciplinary team had made him a more well-rounded prosecutor who was more attuned to how to protect children.

Senator Wintrow followed up by thanking Mr. Dinger and praised the multidisciplinary approach. She continued by stating that she appreciated his work on the Board and the difficulty of the work he did.

Chairman Lakey excused Mr. Dinger and stated that he intended to allow for discussion after the Committee meeting and stated a vote would be conducted at the next meeting.

RS 31672 **RELATING TO JUDICIAL SALARIES.** **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, explained that **RS 31672** attempted to address the ongoing issue of compensation to Idaho Judges. **RS 31672** would increase Judicial compensation by 25 percent over the next 4 years and create a Citizens Committee on Judicial Compensation which was modeled after the Citizens Committee on Legislative Compensation.

DISCUSSION: **Senator Lee** asked why the proposal included a policy piece and asked if **RS 31672** would reduce, maintain, or expand the differentials that the Legislature currently approved. **Mr. Spillman** answered yes, the proposal suggested setting the differential on a percentage basis rather than a dollar basis.

MOTION: **Senator Anthon** moved to send **RS 31672** to print. **Senator Foreman** seconded the motion. The motion passed by **voice vote**

H 513 **DUTIES OF SHERIFF - Amends existing law to revise a duty of a sheriff regarding the regulation of traffic on highways and roads.** **Senator Trakel** explained that **H 513** would give county sheriffs the authority to close down roads in case of emergencies, an authority which was currently only given to the Idaho State Police (ISP).

DISCUSSION: **Senator Hart** asked if this gave the authority to shut down any road including interstates or state highways. **Senator Trakel** responded yes, any road within county boundaries.

TESTIMONY: **Andy Creech**, Payette County Sheriff's Office, explained that while sheriffs already shut down roads in case of emergencies **H 513** gave sheriffs the authority and right to shut roads down in such cases.

Senator Lee asked if someone had interpreted the language of "regulate traffic on highways and roads" to not include closure. **Sheriff Creech** answered yes, it was brought to attention when the language was added to the Idaho State Police responsibilities.

MOTION: **Senator Lee** moved to send **H 513** to the floor with a **do pass**. **Senator Foreman** seconded the motion. The motion passed by **voice vote**

H 601 **LEGAL IMMUNITY - Adds to existing law to provide immunity for the security teams of religious organizations.** **Senator Toews** explained that **H 601** gave civil immunity to security guards at places of worship and had been written with the support from the Trial Lawyers Association to make sure that immunity was not too broad.

DISCUSSION: **Senator Wintrow** asked if he had seen any of these cases of violence in Idaho. **Senator Toews** responded that the State may not see much violence at places of worship currently because of the existing security personnel being a strong deterrent against it.

Senator Foreman asked if these security personnel were already protected by tort law if they are acting in a reasonable and responsible manner. **Senator Toews** answered that he was unaware if they were protected under tort law but explained that it was brought forward at the request of security teams at these places of worship so it was of concern to them. **Senator Foreman** commented that he was normally against carve outs, but appreciated language that in subsection B of **H 601** eased his concern.

MOTION: **Senator Foreman** moved to send **H 601** to the floor with a **do pass**. **Senator Anthon** seconded the motion. The motion passed by **voice vote**

H 629

DIVORCE ACTIONS - Amends existing law to provide that a guardian ad litem may be appointed for a dependent child during divorce proceedings. **Representative Picket** explained that **H 629** related to the court system and guardian ad litem (GAL) for children. Current code did not specifically provide for GAL. An attorney constituent of **Representative Picket** had experienced cases in which the courts had questioned the need for GAL in certain cases. This legislation would codify the practice of the GAL system into law. He noted that further legislation may need to be written.

DISCUSSION:

Chairman Lakey asked who paid for GAL. **Representative Pickett** answered that the counties would most likely pay.

Senator Lee commented that this legislation added to law a process that the judges had already been doing. **Senator Lee** explained to the committee that **H 629** related specifically to Title 16 and that she believed nothing would change other than to clarify the actions already being taken. The State's judges would be extremely cautious in cases relating to GAL. **Representative Pickett** responded that he appreciated the concerns and especially in relation to the judicious use of the legislation. He expressed appreciation for the discretion of the judges to make sure that children were represented properly.

Chairman Lakey noted that **H 629** was used exclusively to a divorce context and not child protection or criminal proceedings.

Senator Hartgen noted that these cases usually were not paid. The GAL program was mostly volunteers and their budget was very small. **Representative Pickett** thanked Senator Hartgen and explained that this program was not well defined. He noted that GAL was mostly for people who wanted to support children and volunteer their time and experience. He continued that if a judge were to grant payment to the GAL attorney, the pay would be small. It was mostly charity work these attorneys provided.

MOTION:

Senator Ricks moved to send **H 629** to the floor with a **do pass**. **Senator Anthon** seconded the motion. The motion passed by **voice vote**.

ADJOURNED:

There being no further business at this time, **Chairman Lakey** adjourned the meeting at 1:30 p.m.

Senator Lakey, Chair

Sharon Pennington, Secretary

Griffin Zue, Asst. Secretary