LEGISLATURE OF THE STATE OF IDAHO

Sixty-fifth Legislature Second Regular Session - 2020

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 135

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND SUPPORTING GOVERNOR BRAD LITTLE AND THE IDAHO DEPARTMENT OF CORRECTION IN THEIR OPPOSITION TO THE STATE OF IDAHO PROVIDING GENDER REASSIGNMENT SURGERY TO ADREE EDMO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Adree Edmo was convicted of sexual abuse of a child under the age of 16 in 2012 and is currently an inmate at the Idaho State Correctional Center serving a sentence of 3 to 10 years; and

WHEREAS, Edmo has been living as a woman for years and is seeking gender reassignment surgery to be provided by the State of Idaho; and

WHEREAS, Edmo filed suit, and the U.S. District Court ruled that the Idaho Department of Correction must provide the surgery; and

WHEREAS, the Ninth Circuit Court of Appeals upheld the District Court's ruling and has denied the State of Idaho's request to rehear the decision; and

WHEREAS, Edmo has already begun receiving treatment in preparation for the surgery; and

WHEREAS, if the procedure is performed, it would be the first time an inmate has undergone gender reassignment surgery while in the Department of Correction's custody; and

WHEREAS, requiring the State of Idaho to provide gender reassignment surgery at taxpayers' expense would set an unreasonable and unjustified precedent and could require the state to provide many more in the future; and

WHEREAS, Director Josh Tewalt of the Department of Correction has stated "[P]rison is not where you go to get unwarranted surgery."; and

WHEREAS, Governor Little has declared "I am disappointed the majority of the Ninth Circuit declined to reverse its flawed decision. I am encouraged, however, that several judges recognized in dissenting opinions that the decision conflicts with decisions of multiple other circuits, goes well-beyond the Eighth Amendment's text and original meaning, and is contrary to more than four decades of Supreme Court precedent. I remain committed to appealing this case to the U.S. Supreme Court-that effort is already under way-and to ensuring that Idaho taxpayers do not have to pay for a procedure that is not medically necessary."

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we support the Department of Correction and Governor Little in their opposition to the State of Idaho providing gender reassignment surgery to Adree Edmo and support any action that the Governor might take to stop the surgery.