

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Friday, January 24, 2020

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

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Lakey, Vice Chairman Lee, Senators Lodge, Anthon, Thayn, Grow, and Nye

**ABSENT/ EXCUSED:** Senators Cheatham and Burgoyne

**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.

**MINUTES APPROVAL:** **Vice Chairman Lee** moved to approve the Minutes of January 13, 2020. **Senator Grow** seconded the motion. The motion carried by **voice vote**.

**RS 27353** **Relating to Bail Enforcement Agents. Jason Spillman**, Legal Counsel, Office of the Courts, explained that **RS 27353** proposes amendments to two statutory sections. He stated that both sections require the Supreme Court to approve the form of an affidavit needed by a bail enforcement agent for an arrest. The Court maintains that statutorily this requirement puts them in an advisory position, a position inappropriate for the Court. The form of the affidavit should be addressed by the parties involved and their counsel without involvement of the Court. A discussion followed addressing:

- the substance and content of the form;
- consistency among bailiffs;
- elimination of Supreme Court involvement; and
- the use of private counsel.

**MOTION:** **Senator Thayn** moved to send **RS 27353** to print. **Senator Grow** seconded the motion. The motion carried by **voice vote**.

**S 1220** **Relating to Temporary and Emergency Appointments of a Conservator. Jason Spillman**, Legal Counsel, Office of the Courts, stated that **S 1220** realigns procedural time frames found in the statutes. These time frames encompass the amount of time to give notice in cases of appointments for guardianships or for conservatorships. **Mr. Spillman** indicated that many times these actions are completed at the same time, but currently the statutes provide for different time periods for notification. **S 1220** would establish a notice requirement of 72 hours in all cases.

**MOTION:** **Senator Nye** moved to send **S 1220** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**S 1232**

**Relating to Reentry Savings Accounts of Incarcerated Individuals.** **Josh Tewalt**, Director, Idaho Department of Corrections (IDOC), explained to the Committee that **S 1232** authorized the IDOC to create mandatory savings accounts for all individuals incarcerated in an IDOC facility. These savings are to be provided upon release from IDOC to help in the transition to the community. **Mr. Tewalt** elaborated on the following points:

- compelling those who have the means to provide some funds for their own reentry to do so;
- allowing the IDOC to use limited transitional funding to apply to people truly in need of the assistance;
- creating a statutory framework for creating reentry accounts;
- encouraging and offering incentives for good decision-making leading to successful transitions; and
- creating an advisory board made up of incarcerated people, formerly incarcerated people, and family members of those in the IDOC system.

**MOTION:**

**Senator Lodge** moved to send **S 1232** to the floor with a **do pass** recommendation. **Vice Chairman Lee** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:**

Chairman Lakey passed the gavel to Vice Chairman Lee.

**DOCKET NO. 11-1101-1900F**

**Related to Peace Officers Standards & Training (POST).** **Brad Johnson**, POST Director, presented **Docket No. 11-1101-1900F**. Mr. Johnson explained that, in line with Governor Little's Red Tape Reduction Act, POST reviewed its rules to identify and eliminate those that were obsolete, outdated, or unnecessary. POST updated some rules by adding definitions to improve clarity, and eliminated others that were unnecessary or redundant, eliminating 59 pages, a reduction of 63 percent. He identified specific results of this review as follows:

- consolidated multiple sets of rules from six to one;
- standardized terms throughout the consolidation process;
- standardized requirements across disciplines for certification, training, and challenging the academy;
- renewing certification while retaining requirements that are unique to each discipline;
- eliminated discretionary disqualifiers for certification to remove ambiguity and subjectivity; and
- updated and added definitions to improve clarity and eliminated others that were unnecessary or redundant.

**MOTION:**

**Chairman Lakey** moved to approve **Docket No. 11-1101-1900F**. **Senator Anthon** seconded the motion. Motion carried by **voice vote**.

**PASSED THE GAVEL:**

Vice Chairman Lee passed the gavel back to Chairman Lakey.

**ADJOURNED:** There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:10 p.m.

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Senator Lakey

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Carol Cornwall  
Assistant Secretary

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Sharon Pennington  
Secretary