

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, February 12, 2020

TIME: 1:30 P.M.

PLACE: Room WW54

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

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 Senate Judiciary and Rules Committee (Committee) to order at 1:30 p.m.

MINUTES APPROVAL: **Senator Nye** moved to approve the Minutes of January 22, 2020. **Vice Chairman Lee** seconded the motion. The motion carried by **voice vote**.

Senator Grow moved to approve the Minutes of January 24, 2020. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

Senator Cheatham moved to approve the Minutes of January 27, 2020. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

Vice Chairman Lee moved to approve the Minutes of February 3, 2020. **Senator Grow** seconded the motion. The motion carried by **voice vote**.

S 1321 **Chairman Lakey** asked for unanimous consent to send **S 1321** back to the floor for re-referral. There was no objection and it was so ordered.

RS 27365 **Lochlan Frederick**, intern to Senator Lodge, introduced **RS 27365** and stated that this amendment would add the Idaho Commission of Pardons and Parole and their staff to the list of protected personnel included in Idaho Code §18-915. The Commission is directly involved with parole related decisions and they are often not positive for those involved.

DISCUSSION: Discussion was held regarding who would be covered by this new legislation. The consensus was that anyone who works with the Commission would be included.

MOTION: **Senator Grow** moved to send **RS 27365** to print. **Vice Chairman Lee** seconded the motion. The motion carried by **voice vote**.

RS 27588 **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, introduced **RS 27588** by explaining that the statute enumerates the distribution order in which payments are distributed to the parties who are due those moneys. There were two categories missing: fines entered on behalf of victims of violent crimes, and the costs of law enforcement investigations of controlled substance violations. This legislation suggests placing funds for crime victims in the same category as restitution and the controlled substance investigations at the same priority level as other investigatory costs. It specifies that the distribution order applies to infraction cases and explains that multiple payments falling in the same category are distributed in proration to each other. There is a "catch all" category to cover any award that does not fit into one of the current areas.

MOTION: **Vice Chairman Lee** moved to send **RS 27588** to print. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

RS 27636 **Senator Dan Johnson**, District 6, stated that this legislation would exempt certain records of a personal nature from public disclosure. Personal information is contained in many public records and releasing it raises public safety concerns.

DISCUSSION: **Vice Chairman Lee** questioned how this legislation would affect educational records. **Senator Johnson** said that there are exceptions for some situations.

MOTION: **Senator Anthon** moved to send **RS 27636** to print. **Senator Cheatham** seconded the motion. The motion carried by **voice vote**.

RS 27670 **Kelli Brassfield**, representing the Idaho Association of Counties, presented **RS 27670**. She stated that this legislation seeks to add one clerk to the magistrate commission in each district. **Ms. Brassfield** explained that a district clerk would provide a unique perspective since they are aware of the needs of the magistrate, court procedures, policies, and programs.

DISCUSSION: **Senator Burgoyne** questioned why this perspective is so valuable when this commission has functioned in its present form for many years. **Ms. Brassfield** indicated that she would bring some clerks to testify at the bill hearing to share their perspectives.

MOTION: **Senator Lodge** moved to send **RS 27670** to print. **Senator Grow** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairman Lakey passed the gavel to Vice Chairman Lee.

RS 27707 **Chairman Lakey**, stated that **RS 27707** updates language to reflect current sentencing practices in Idaho. The first consideration in sentencing is the judge's determination of whether the individual can be placed in the community. Following that, other factors are considered such as public safety and then the bill notes the sentencing judge will consider the victim's impact statement. It updates terminology and provides the judge will individually tailor discretionary sentences to the particular defendant.

MOTION: **Senator Grow** moved to send **RS 27707** to print. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Lee passed the gavel back to Chairman Lakey.

H 348 **Jared Larsen**, Policy Advisor, Office of the Governor, presented **H 348**. **Mr. Larsen** indicated that the Electronic Recording Commission (Commission) voted to recommend that the Commission be disbanded. There is currently no need for this Commission since the counties now have electronic recording. **Mr. Larsen** provided a letter from Joseph W. Larsen, Chair of the Electronic Recording Commission, recommending the dissolution of the Commission (see Attachment 1).

MOTION: **Senator Anthon** moved to send **H 348** to the floor with a **do pass** recommendation. **Senator Lodge** 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 2:00 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary