

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, January 19, 2024

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Guthrie, Vice Chairman Bernt, Senators Winder, Anthon, Harris, Lee, Toews, Wintrow, Ruchti

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 Guthrie** called the meeting of the Senate State Affairs Committee to order at 8:00 a.m.

WELCOME: **Chairman Guthrie** welcomed all to the Committee meeting.

RS 30871 **Relating to Military and Militia.** **Senator Foreman** stated that **RS 30871** amended Idaho Code § 46-802 (Code), and dropped the prohibition of a body of men associating together as a military organization or a body of men parading together in public with firearms. He added that it also repealed the list of who may parade in public with firearms. **Senator Foreman** stated that **RS 30871** supported the rights of freedom of assembly, freedom of speech, and the right to keep and bear arms. **Senator Foreman** stated that Idaho was a Constitutional carry state and citizens conducted themselves safely, intelligently, and in compliance with the law. He stated that this legislation did not relieve any citizen of full compliance with existing gun laws. **Senator Foreman** stated that those he talked to in law enforcement supported the change.

DISCUSSION: **Senator Wintrow** questioned situations where people peacefully assembled and others showed up armed. Businesses commented to her that they felt threatened by the presence of people with guns, and questioned how these situations would be addressed. **Senator Foreman** stated that Senator Wintrow's comments were intelligent and offered that if Constitutional rights were limited in an effort to enhance safety, the Constitutional rights of all citizens may be limited. He asserted that enforcing rights also brought risk, but the law was designed not to control, but to define rights and penalties if rights were violated. **Senator Winder** wanted to protect First and Second Amendment rights, but recognized the obligation to protect those who assembled. He suggested a penalty provision for the use of a weapon for intimidation. **Senator Wintrow** discussed situations in which those assembling were intimidated by others with firearms. **Senator Ruchti** stated that the intersection of First and Second Amendment rights needed to be addressed. He stated that intimidation could result. **Senator Toews** was concerned about groups such as armed hunting teams being negatively impacted by the current legislation.

MOTION: **Senator Toews** moved to send **RS 30871** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**. **Senator Wintrow** requested to be recorded as voting nay.

S 1226 **SPACE FORCE - Amends existing law to revise definitions.** **Senator Winder** stated that the U.S Congress and military added the U.S. Space Force to the list of armed forces. **S 1226** amended the language in Idaho Code to add Space Force to the list of armed forces. He stated that the Department of Defense asked him to update Idaho Code. **Senator Guthrie** noted that there were no registered or present to testify.

DISCUSSION: **Senator Lee** asked if **S 1226** corrected the statute. She referenced line 15 on page 2. **Senator Winder** verified that there was no policy change.

MOTION: **Senator Harris** moved that **S 1226** be sent to the floor with a **do pass** recommendation. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

S 1220 **TERRORIST CONTROL ACT - Amends existing law to provide for the crime of domestic terrorism.** **Senator Anthon** stated that this was the third time this bill had been before the Committee and that two times prior it was sent to the floor with a do pass recommendation. He stated that **S 1220** developed a definition and policy of the term "domestic terrorism". **Senator Anthon** stated that **S 1220** narrowly defined domestic terrorism so that the term was not used to label people or diminish their rights. **S 1220** applied to groups that operated in the state of Idaho, cooperated with a foreign terrorist organization, committed an Idaho criminal violation, or planned to commit a violent act or threat. **Senator Guthrie** noted that there were no registered or present to testify.

DISCUSSION: **Senator Ruchti** asked how acts without connection to foreign government would be addressed. **Senator Anthon** replied that when intimidation crossed the line into criminal behavior, there were charges filed. He stated that this bill played into Idaho's laws regarding libel and slander. **Senator Ruchti** agreed with Senator Anthon's statements. He asked Senator Anthon if he was concerned that Idaho did not have a more robust set of criminal laws to pursue groups engaging in intimidating behaviors. **Senator Anthon** replied that we had sufficient criminal codes to address this behavior.

Senator Wintrow asked about the relationship between foreign and domestic terrorism with regard to **S 1220**. **Senator Anthon** replied that domestic terrorism was not defined well. He remarked that domestic terrorists were citizens of the United States who were coordinating terrorist acts with others inside the boundaries of the United States. **Senator Wintrow** defined terrorism as "the unlawful use of violence and intimidation of civilians in the pursuit of political aims" and questioned how Idaho's definitions compared with definitions in other states. **Senator Wintrow** asked if there was a law regarding intimidation against people who participated in lawful activities. **Senator Anthon** stated that when the acts became criminal, they were prosecuted under the law. **Senator Wintrow** recalled a violent protest that occurred when she served in the House. She asked what the protester could have been charged with if not domestic terrorism. **Senator Anthon** stated prosecution was possible on other charges. **Senator Wintrow** stated she was concerned with the domestic piece of the definition and had some questions. **Senator Ruchti** remarked that there were federal laws that addressed domestic terrorism.

MOTION: **Senator Harris** moved that **S 1220** be sent to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**. **Senator Wintrow** requested to be recorded as voting nay.

GUBERNATORIAL APPOINTMENT VOTE: **Committee vote on the Gubernatorial Appointment of Representative Kenny Wroten to the Idaho Endowment Fund Investment Board.**

MOTION: **Senator Winder** moved to send the Gubernatorial appointment of Representative Kenny Wroten to the Idaho Endowment Fund Investment Board to the Senate with the recommendation that he be confirmed. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Committee vote on the Gubernatorial appointment of Mary Pat Thompson to the Idaho Endowment Fund Investment Board.**

MOTION: **Senator Winder** moved to send the Gubernatorial appointment of Mary Pat Thompson to the Idaho Endowment Fund Investment Board to the Senate with the recommendation that she be confirmed. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Committee vote on the Gubernatorial Appointment of David Kim to the Commission on Human Rights.**

MOTION: **Senator Wintrow** moved to send the Gubernatorial appointment of David Kim to the Commission on Human Rights to the Senate with the recommendation that he be confirmed. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Guthrie** adjourned the meeting at 8:44 a.m.

Senator Guthrie
Chair

Peggy Caraway
Secretary