

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Monday, February 15, 2016  
**TIME:** 1:30 P.M.  
**PLACE:** Room WW54  
**MEMBERS PRESENT:** Chairman Lodge, Vice Chairman Nonini, Senators Davis, Johnson, Souza, Lee, Anthon, Burgoyne and Jordan  
**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 Lodge** called the meeting of the Senate Judiciary and Rules Committee to order at 1:34 p.m.

**MINUTES APPROVAL** **Senator Souza** moved to approve the Minutes of January 27, 2016. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT:** **Senator Lee** moved to send the Gubernatorial appointment of Jeffrey A. Betts to the Sexual Offender Management Board to the floor with recommendation that he be confirmed by the Senate. **Senator Nonini** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT:** **Senator Anthon** moved to send the Gubernatorial appointment of William Dale Crawford to the Sexual Offender Management Board to the floor with recommendation that he be confirmed by the Senate. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT:** **Senator Lee** moved to send the Gubernatorial appointment of Matthew Allen Thomas to the Sexual Offender Management Board to the floor with recommendation that he be confirmed by the Senate. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT:** **Senator Burgoyne** moved to send the Gubernatorial appointment of Moira A. Lynch to the Sexual Offender Management Board to the floor with recommendation that she be confirmed by the Senate. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT:** **Senator Jordan** moved to send the Gubernatorial appointment of Michael David Johnston to the Sexual Offender Management Board to the floor with recommendation that he be confirmed by the Senate. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT:** **Senator Johnson** moved to send the Gubernatorial appointment of Erwin L. Sonnenberg to the Sexual Offender Management Board to the floor with recommendation that he be confirmed by the Senate. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**RS 24289** **Michael Henderson**, Legal Counsel for the Supreme Court, reported that this legislation is to correct defects in the law. It makes the statutes gender neutral and addresses provisions regarding name changes, including who can petition for a name change for a minor. It also specifies the relatives of the minor who must be notified. **Mr. Henderson** indicated that the changes will provide a clear procedure for changing the name of a minor and will ensure that interested individuals will have an opportunity to bring their concerns to the court. The Committee members expressed a number of concerns, including the definition of "near relative" and "friend." They felt the language is still ambiguous, and although the legislation makes a great deal of progress in making necessary adjustments, the language still needs some work.

**MOTION:** **Senator Nonini** moved to return **RS 24289** to the sponsor. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**DISCUSSION:** **Senator Davis** recommended that Mr. Henderson strike the "non-relative or friend." He also requested the issue of emancipated minors be addressed. **Senator Burgoyne** commented that there may be situations where "non-relative or friend" should remain, and he suggested involving magistrate judges to assist in rewriting this document. **Mr. Henderson** assured the Committee that he will take this RS back for revisions and request that magistrates and others who work with children review the document to see if "non-relative or friend" should be kept in statute. He will also have these groups consider emancipated minors.

**RS 24138** **Michael Henderson**, Legal Counsel for the Supreme Court, brought **RS 24138** before the Committee.

**MOTION:** **Senator Davis** moved to print **RS 24138**. **Senator Nonini** seconded the motion. The motion carried by **voice vote**.

**RS 24307** **Michael Henderson**, Legal Counsel for the Idaho Supreme Court, explained **RS 24307** was proposed by the Supreme Court based on a recommendation of its Children and Families in the Courts Committee. The legislation makes several improvements to the Child Protective Act (CPA). These improvements address

1. shelter care,
2. redistribution hearings,
3. educational stability for children in foster care,
4. the use of psychotropic drugs used for foster children,
5. connections between and among siblings,
6. transition plans for youth,
7. rights of foster youth,
8. disruptions in child protection cases and placement of Indian children,
9. and the definition of a protective order.

**Mr. Henderson** explained that one of the main purposes of this legislation is to bring provisions of the CPA into alignment with federal provisions. If these changes are not made, Idaho may lose federal funding. He emphasized that if the RS is sent to print, when it is heard in Committee there will be presenters with more in-depth information than he can provide. **Senator Davis** inquired about the definition of foster care provider using the term "person" instead of "individual," and if a facility could be the appointed foster care provider. **Mr. Henderson** replied that it is his understanding that the provider would be an individual.

**PASSED THE  
GAVEL:**

Chairman Lodge passed the gavel to Vice Chairman Nonini.

**Senator Souza** expressed concern that some of these provisions may place an undo burden on the placement process. **Mr. Henderson** felt the changes would not delay the placement.

**MOTION:** **Senator Davis** moved to print **RS 24307**. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**RS 24473** **Teresa Baker**, Idaho State Police (ISP), introduced Lt. Colonel Kedrick Wills, Deputy Director, ISP, to present this RS.

**Lt. Colonel Wills** reminded the Committee that ISP had brought an RS previously this session but it needed a change in language. **RS 24473** changes the reference for unmarked cars from "vehicles," which could be interpreted to mean all vehicles, to "patrol cars." **Senator Jordan** asked how many total ISP cars there are, including patrol cars and those used for other purposes, and what percentage would be unmarked vehicles. **Lt. Colonel Wills** replied that he does not have those figures exactly but there are about 300 total vehicles. He added that the intent of this legislation is for patrol purposes, and the others are not being used for patrol. **Senator Burgoyne** inquired if the unmarked vehicles used for confidential investigation purposes could be used for patrol. **Lt. Colonel Wills** declared that they are equipped differently and do not have enough lighting to be used for patrol. **Senator Souza** related that she has received concerns from the public regarding the unmarked cars, some of whom believe this plan is simply to increase the revenue for ISP through fines. **Lt. Colonel Wills** assured the Committee that, although he does not know where the funds go, fines that are collected do not go into the operating fund of ISP. **Senator Jordan** asked how ISP will deal with conflicts that may arise with local jurisdictions where there are no provisions for unmarked cars. **Lt. Colonel Wills** stated that ISP is not aware of any jurisdictions with policies that prohibit the use of unmarked cars. He explained that they could discuss that issue with the local jurisdictions should the situation arise. **Senator Davis** asked if unmarked patrol vehicles are really necessary. **Lt. Colonel Wills** replied that they are, based on the numbers over the last three years of 350 fatalities and 2,000 serious injuries due to aggressive driving. Aggressive drivers will be the targets for the unmarked cars. He advised that there are 35 states that use unmarked cars for this purpose, as well as many agencies within Idaho.

**Senator Burgoyne** stated that he is skeptical of the legislation, but that ISP should have the opportunity to put this before the public.

**MOTION:** **Senator Burgoyne** moved to print **RS 24473**. **Senator Souza** seconded the motion. The motion carried by **voice vote** with **Senator Anthon** requesting to be recorded as voting nay.

**Senator Johnson** indicated that he visited with constituents who have concerns that he will share when the bill is heard in Committee.

**PASSED THE GAVEL:** Vice Chairman Nonini passed the gavel back to Chairman Lodge.

**ADJOURNED:** There being no further business at this time, **Chairman Lodge** adjourned the meeting at 2:32 p.m.

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Chairman Lodge  
Chair

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Carol Cornwall  
Secretary