

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Monday, January 20, 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 meeting of the Senate Judiciary and Rules Committee (Committee) to order at 1:30 p.m.

**GUBERNATORIAL APPOINTMENT HEARING:** **Raymond David Moore**, having been re-appointed to the Commission of Pardons and Parole (Commission), introduced himself and stated that this is his second reappointment to the Commission. He discussed his background in law enforcement and assured the Committee that he will continue to be an asset to the Commission. He emphasized that his main goal as a Commissioner aligns well with the Commission's mission to contribute to public safety by utilizing sound, professional judgment and evidence-based parole decision-making practices.

**DISCUSSION:** In response to Committee questions, **Mr. Moore** explained that the Commission implemented rules that establish guidelines and procedures for parole decision-making. Furthermore, the Commission has complete discretion to grant or deny parole based on behavior, criminal history, and public safety.

**Mr. Moore** emphasized that the Commission governs the release of a parolee from imprisonment while the Idaho Department of Correction (IDOC) oversees the supervision of the parolees. Despite the fact that the Commission does not handle parolees after they leave the correctional facility, **Mr. Moore** reckoned parolees need good programs and resources to reduce parole violations. He addressed the Committee on the Commission's need for more workforce to deal with increasing case loads.

**GUBERNATORIAL APPOINTMENT HEARING:** **Tony L. Plott**, having been appointed to the Commission of Pardons and Parole, stated that he has been with the Commission since July, 2019. He worked in law enforcement for 30 years, and the last 10 years as a Supervisor in the Boise Police Department. He emphasized that his main goal as Commissioner is towards public safety and giving offenders an opportunity to make positive changes.

**Vice Chairman Lee** asked Mr. Plott about the challenges he faces in parole decision-making. **Mr. Plott** acknowledged that being acquainted with the Commission, and safety are two of the challenges he has faced since joining the Commission.

**Senator Thayn** and **Senator Burgoyne** asked Mr. Plott what is required to lessen parole violations. **Mr. Plott** responded that proper supervision and guidance will help the parolees comply with the Commission's parole conditions.

**PASSED THE GAVEL:**

Chairman Lakey passed the gavel to Vice Chairman Lee.

**DOCKET NOS. 11-0000-1900, 11-0000-1900F, 11-1001-1900F**

**Major Charlie Spencer**, Idaho State Police (ISP), emphasized **Docket No. 11-0000-1900** has no changes in its forensic rule. He informed the Committee that there are no substantive changes in any of the ISP rules.

**Senator Burgoyne** requested to approve **Docket Nos. 11-0000-1900, 11-0000-1900F, and 11-1001-1900F** in one motion. **Vice Chairman Lee** consented to the request.

**MOTION:**

**Senator Burgoyne** moved to approve **Docket Nos. 11-0000-1900, 11-0000-1900F, and 11-1001-1900F**. **Chairman Lakey** seconded the motion. The motion passed by **voice vote**.

**PASSED THE GAVEL:**

Vice Chairman Lee passed the gavel back to Chairman Lakey.

**S 1219**

**Revision of Provisions Regarding Proceedings for the Appointment of Guardians and Conservators.** **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, explained that this legislation proposes to fix Idaho Code § 66-404 which governs the proceedings for the appointment of guardians and conservators. This bill will modify the notice provision from 10 days to 14 days to align with Idaho Supreme Court's (Court) effort to establish seven-day increments in procedural time frames in all its cases.

**Mr. Spillman** noted that **S 1219** also proposes to amend the incorrect term in page 2 line 29 of the bill. He clarified that this statute allows the Court to appoint co-guardians or co-conservators to work together for the best interest of the person with a developmental disability. However, the bill currently states "to work for the best interest of the child." The word "child" should be replaced with "person with disability."

**MOTION:**

**Senator Nye** moved to send **S 1219** to the floor with a **do pass** recommendation. **Senator Grow** seconded the motion. The motion passed by **voice vote**.

**S 1227**

**Revision of Provisions Regarding Notice of Adoption Proceedings.** **Mr. Spillman** emphasized that **S 1227** contains several 20-day procedural time frames. This bill seeks to increase the time frame from 20 days to 21 days to align with the Court's effort to establish seven-day increments.

**MOTION:**

**Senator Lodge** moved to send **S 1227** to the floor with a **do pass** recommendation. **Vice Chairman Lee** seconded the motion. The motion passed by **voice vote**.

**ADJOURNED:**

There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:30 p.m.

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Senator Lakey  
Chair

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Sharon Pennington  
Secretary

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Rellie Wisdom  
Majority Staff Assistant