

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Monday, February 17, 2020

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

**PLACE:** Room WW54

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

**ABSENT/ EXCUSED:** Senators Anthon and Grow

**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.

**Chairman Lakey** announced that **S 1336** would be heard first.

**INTRODUCTION:** **Introduction of New Page - Parker Davis from Meridian, Idaho.** **Chairman Lakey** introduced Parker Davis, a Senate page from Meridian, Idaho. **Mr. Davis** mentioned that his grandfather, former Senator Bart Davis, has inspired him to apply as a Senate page. He plans to pursue political science or foreign relations at Brigham Young University starting this summer.

**S 1336** **Relating to Assault or Battery Upon Certain Personnel.** **Lochlan Frederick**, intern to Senator Lodge, presented **S 1336**. He stated that the bill will add members of the Idaho Commission of Pardons and Parole (Commission) and their staff to the list of personnel under Idaho Code § 18-915. The reason for this amendment relates to the nature of work of the Commission's members and staff.

In response to Vice Chairman Lee's question, **Mr. Frederick** replied that to the best of his knowledge, the Commission's administrative staff is included in the list of personnel protected in the legislation. He elaborated that these personnel are actively involved in the hearing process, and are vulnerable to threats and intimidation.

**TESTIMONY:** **Ashley Dowell**, Executive Director, Idaho Commission of Pardons and Parole, spoke in support of **S 1336**.

**MOTION:** **Senator Nye** moved to send **S 1336** to the floor with a **do pass** recommendation. **Senator Cheatham** seconded the motion. The motion passed by **voice vote**.

**S 1318** **Relating to the Fair Chance Employment Act.** **Senator Cherie Bucker-Webb**, District 17, gave a short introduction on **S 1318** which proposes to eliminate the significant impediment that formerly incarcerated individuals encounter when trying to get into the labor market. She explained that the bill seeks to ensure that candidates are not immediately eliminated, with no consideration of their qualifications, because of their criminal background. Furthermore, this would keep employers from excluding job seekers in the job application process solely for having a criminal record. On the other hand, **Senator Buckner-Webb** confirmed that employers will not give up their discretion to make hiring decisions that are best for their business.

**TESTIMONY:** **Fred Birnbaum**, Idaho Freedom Foundation, spoke in opposition to **S 1318**. He shared from his personal experience the repercussions of the legislation. He highlighted that the intent of the bill is excellent but to force employers not to question the applicant's criminal background at the initial stage of job application is incorrect.

**David Lund; Ruby Mendez- Mota**, American Civil Liberties Union (ACLU); **Shelley Nelson**, National Society for HR Management (SHRM); **Annie Hightower**, Idaho Coalition Against Sexual and Domestic Violence; **Helen Lusk; Alan Reynolds; Mark Renick**, IMSI Hope Community Phase II; **Jason Zimmerman; Jasmine Minick; Dr. Laura Terelle; Tom Arkoosh**, Association of Idaho Criminal Defense Lawyers; **Andrew Masser; Erick Johnson; Joe Howell; Ally Robbie**, The Jesse Tree ; and **John Reid** addressed the Committee and spoke in support of **S 1318**. They testified that this bill will give former convicts an opportunity to share their qualifications and skills in the job application as opposed to being immediately dismissed because of prior incarceration. It was discussed that **S 1318** will reduce recidivism, decrease homelessness, and give financial independence to former offenders.

**MOTION:** **Senator Burgoyne** moved to send **S 1318** to the floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion passed by **voice vote**.

**DISCUSSION:** **Senator Burgoyne** noted that 29.5 percent of working age Idahoans have criminal records. He pointed out that society should not ignore this statistic, and its ramifications in the community.

**Vice Chairman Lee** and **Senator Nye** commended Senator Buckner-Webb's incredible work and persistence in this issue. **Senator Nye** affirmed that **S 1318** does not impose a penalty on any employers.

Despite expressing concerns on enforcing the policy upon small business owners, **Senator Lodge** voiced her support of the legislation. She also encouraged former offenders to help educate the general public on the difficulty of being incarcerated, and returning to the community after incarceration.

**Chairman Lakey** conveyed that 70-75 percent of the prison population is made up of those who have failed probation or parole. He commented that this is an opportunity to make a difference in helping former felons make a positive change. He specified that there are three areas that aid people to be successful when they are out of prison: housing, employment, and transportation. He stressed that employment helps the success of the other two.

**S 1340** **Chairman Lakey** notified the Committee that the hearing for **S 1340** will be rescheduled due to time constraints.

**ADJOURNED:** There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:55 p.m.

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Senator Todd Lakey  
Chair

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Sharon Pennington  
Committee Secretary

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Rellie Wisdom  
Majority Staff Assistant