

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Monday, February 24, 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 REAPPOINTMENT VOTE:** **Senator Thayn** moved to send the Gubernatorial re-appointment of Brian Marx to the Sexual Offenders Management Board to the floor with the recommendation that he be confirmed by the Senate. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT HEARING:** **Committee Consideration of the Appointment of John Dinger to the Sexual Offenders Management Board (SOMB).** **John Dinger**, SOMB, introduced himself and stated he was born and raised in Idaho, educated in Utah, and worked as the Ada County prosecutor for 14 years. He also mentioned that he was a member of the Ada County Prosecuting Attorney's Office where he supervised the Sex Crimes and Child Abuse Unit. He expressed his intention of keeping and improving the quality of standards in SOMB.

**DISCUSSION:** In response to Committee questions, **Mr. Dinger** detailed the role of SOMB in Idaho. He explained that SOMB is in charge of establishing standards for adult and juvenile psychosexual evaluations and sex offender treatment programs.

**RS 27757, RS 27758, RS 27759, RS 27760, RS 27761, RS 27762, RS 27763C1, RS 27807** **President Pro Tempore Brent Hill** affirmed that most of the RS's are Senate Resolutions and, unlike Concurrent Resolutions, are voted on by the Senate only. They relate to recommended changes to the Senate Rules.

**MOTION:** **Senator Lodge** moved to send **RS 27757, RS 27758, RS 27759, RS 27760, RS 27761, RS 27762, RS 27763C1**, and **RS 27807** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**DISCUSSION:** **President Pro Tempore Hill** clarified that **RS 27763C1** is not related to a Senate Rule change.

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

**S 1342** **Relating to Commercial Burglary.** **Chairman Lakey** extended his gratitude to Idaho prosecutors and defense attorneys for their collaborative efforts to come up with this bill. He reiterated that burglary and theft are separate offenses. He stated that this legislation appends a new section that will redefine "burglary." He illustrated that any person who enters a certain location with intent to take something of minor value - less than \$300 - will be guilty of a misdemeanor instead of a felony.

**DISCUSSION:** **Senators Grow** and **Cheatham** asked Chairman Lakey to clarify how intent to commit theft during a burglary is determined. **Chairman Lakey** gave specific scenarios on how to validate if a person has engaged in burglary and/or theft.

**MOTION:** **Senator Burgoyne** moved to send **S 1342** to the floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion passed by **voice vote**.

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

**H 319** **Relating to State Appellate Public Defender Funds.** **Senator Anthon** presented a brief history and purpose of the Idaho State Appellate Public Defender (ISAPD). He cited that **H 319** will broaden the jurisdiction of ISAPD. These amendments will accomplish two things: lighten the case loads of county public defense offices, and provide proper legal defense to indigent defendants.

**Senator Burgoyne** commented on the fiscal note of **H 319**. Upon its passage and approval, the Joint Finance-Appropriation Committee (JFAC) will keep track of the legislation and notify the Committee on any recommendations. Then, the Committee will take appropriate actions to fully fund the legislation. He mentioned that it appears there will be imminent funding.

**MOTION:** **Senator Thayn** moved to send **H 319** to the floor with a **do pass** recommendation. **Senator Cheatham** seconded the motion. The motion passed by **voice vote**.

**Senator Nye** requested that **HCR 32** be heard at the next Committee meeting due to insufficient preparation time and the issue of legality. **Chairman Lakey** suggested proceeding with the presentation of **HCR 32** , and addressing the Committee vote after the presentation.

**HCR 32** **Addition of New Joint Rule.** **Senator Chuck Winder**, District 20, emphasized that **HCR 32** does not involve administrative rules between the Senate and the House of Representatives. Instead, it deals with the United States of America's motto, "In God We Trust," and its proposed placement in both Senate and House Chambers. **Senator Winder** briefly recounted the history of the motto, and accentuated that the motto does not represent one faith. Rather, it represents the trust and hope that the people put in the Nation in order to form a more perfect union, establish justice, and achieve domestic tranquility. He added that there is no cost to the state, and it would be done by private contributions.

**DISCUSSION:** **Vice Chairman Lee** and **Senator Thayn** expressed their support but requested the deferment of the vote for procedural reasons.

In response to Senator Nye's inquiry, **Senator Winder** indicated that neither the sponsor of the resolution nor himself have sought the Attorney General's opinion about its legality. He made it clear that this resolution deals with generic god and the Nation's motto, and represents all faiths.

**Senator Burgoyne** conveyed his support on the legislation due to its historical context. He briefed the Committee on the historical background of the Nation's motto, and indicated that it is an important historical reminder that "human beings should not be subject to one another." He reiterated that he supports the terminology of the motto and the resolution due to its historical framework.

**MOTION:**

**Senator Grow** moved that **HCR 32** be held in Committee subject to the call of the Chair. **Vice Chairman Lee** seconded the motion. The motion passed by **voice vote**.

**Chairman Lakey** indicated that he will work with Senator Winder to schedule possible testimony and vote.

**ADJOURNED:**

There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:22 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