

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, February 26, 2020

TIME: 1:30 P.M.

PLACE: Room WW54

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

ABSENT/ EXCUSED: Anthon

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 1:35 p.m.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Thayn** moved to send the Gubernatorial appointment of John Dinger to the Sexual Offenders Management Board to the floor with the recommendation that he be confirmed by the Senate. **Senator Cheatham** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Thayn** moved to approve the Minutes of February 10, 2020. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

HCR 32 **Relating to Inclusion of Motto "In God We Trust."** **Senator Chuck Winder**, District 20, informed the Committee that the Attorney General's (AG) Office has been consulted about the constitutionality of **HCR 32**. It has been noted that the AG Office recognizes that the bill is constitutional, and not religious in nature.

MOTION: **Senator Grow** moved to send **HCR 32** to the floor with a **do pass** recommendation. **Senator Cheatham** seconded the motion. The motion passed by **voice vote**, with **Senator Burgoyne** requesting that he be recorded as voting nay.

RS 27750 **Relating to Deceptive Advertising Practices and to Protect the Livelihood of Musicians.** **Senator Jeff Agenbroad**, District 13, stated that the purpose of **RS 27750** is to promote transparency on how live music performers advertise their performances and events. This bill will prohibit performers from publicizing music events using a false, deceptive, or misleading affiliation with well-known music artists. He mentioned that there are 34 other states that have adopted similar laws to address the situation.

MOTION: **Senator Thayn** moved to send **RS 27750** to print. **Senator Grow** seconded the motion. The motion carried by **voice vote**.

RS 27798 **Unanimous Consent Request Relating to Fire Districts.**

MOTION: **Chairman Lakey** asked for unanimous consent to send **RS 27798** to print. There were no objections.

RS 27799 **Relating to Paid Employment for Prisoners.** **Jared Larsen**, Policy Advisor, Office of the Governor, indicated that **RS 27799** amends Idaho Code § 20-209. He specified that there is confusion on this statutory section which governs the role of the Board of Corrections (Board) on paid employment of all inmates in prison. This legislation will clarify that the Board may provide employment to inmates, but it would not create a right to employment.

- MOTION:** **Senator Lodge** moved to send **RS 27799** to print. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.
- RS 27843** **Relating to Extended Absence of a Parent Due to Active Duty in the Armed Forces.** **Vice Chairman Lee** stated that **RS 27843** discusses temporary guardianship of a minor whose parents are away on military service. This legislation addresses and clarifies the ambiguity of this statute.
- MOTION:** **Senator Grow** moved to send **RS 27843** to print. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.
- S 1356** **Relating to Providing for an Additional Judge in the First District.** **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, explained that **S 1356** seeks to add a new district judge position in the First Judicial District to be chambered at Bonner County. He acknowledged that the addition of a district judge is a direct result of continued population and case load growth in the judicial district. **Mr. Spillman** stated that the last district judge joined in 2006, and was housed in Kootenai County. He assured that the Bonner County Commissioner had asserted support to accommodate the new district judge in the county.
- MOTION:** **Senator Cheatham** moved to send **S 1356** to the floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion passed by **voice vote**.
- S 1357** **Relating to Revision of Salary for Justices of the Supreme Court.** **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, stated that **S 1357** seeks to apply the 2 percent Change in Employee Compensation recommendation from the Joint-Finance Appropriation Committee, which applies to permanent state employees and to state judges as well. After considering the differentials between salaries of four types of judges, it resulted in a \$2,600 salary increase per judge. He emphasized that to avoid wage compression between the different types of judgeships, the difference between the salaries between judges will remain the same.
- Vice Chairman Lee** and **Senator Lodge** stated that they had a conflict of interest pursuant to Senate Rule 39(H).
- MOTION:** **Senator Burgoyne** moved to send **S 1357** to the floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion passed by **voice vote**.
- H 427** **Relating to Updating Crimes the Governor Must Review for Commutations and Pardons.** **Ashley Dowell**, Executive Director, Commission on Pardons and Parole (Commission), stated that **H 427** relates to commutation and pardons in the crimes that the Governor has to approve. She informed the Committee that the statute will eliminate the section pertaining to crimes that the Governor has to approve, and will add a new section that would detail the Commission's authority and limitations in granting or denying commutations and pardons.
- DISCUSSION:** In response to Senator Burgoyne's inquiry, **Ms. Dowell** confirmed that the Commission has the full and final authority in all crime cases except treason, impeachment, and crimes with sentences of death or life imprisonment. In such offenses, the Commission could only send recommendation, which would be subject to approval or disapproval of the Governor. **Jared Larsen**, Policy Advisor, Office of the Governor, corrected that there is no ability to pardon offenses against the state such as treason and impeachment.

Senator Lakey asked the presenters about the evolution of the Governor's authority in granting and denying commutations and paroles. **Mr. Larsen** explained that when the Commission was established in 1949, it had the full and final authority on commutations and pardons until 1988 when the Legislature enacted the statute. It had added seven crimes that would require the Governor's approval in any commutation and parole proceedings. He highlighted that the Office of the Governor is in full support of this bill. He indicated that this will delineate the role of the Governor in granting or denying commutations and paroles.

MOTION: **Vice Chairman Lee** moved to send **H 427** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion passed by **voice vote**.

H 456 **Relating to Filing of Pardons, Commutations, and Remission of Fines and Forfeitures.** **Ashley Dowell**, Executive Director, Commission on Pardons and Parole, explained that **H 456** will add a new section in Idaho Code § 20-240. This legislation will require the Commission to give the original copy of the pardon, commutation, or remission of fines and forfeitures documents to the petitioner as well as to retain one copy at the Commission. It will also oblige the Commission to file documents on pardons, commutations, and remissions of fines and forfeitures with the Secretary of State and the state courts.

In response to Vice Chairman Lee's question, **Ms. Dowell** acknowledged that the method of filing the documents has not been determined but assured that the Commission is working closely with the Idaho Supreme Court on this matter.

MOTION: **Senator Thayn** moved to send **H 456** 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 2:20 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary

Rellie Wisdom
Majority Staff Assistant