

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Monday, March 01, 2021

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lakey, Vice Chairman Ricks, Senators Lodge, Lee, Anthon, Thayn, Zito, Burgoyne, and Wintrow

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 1:45 p.m.

VOTE ON GUBERNATORIAL REAPPOINTMENT: **Senator Anthon** moved to send the Gubernatorial Reappointment of John Dinger to the Sexual Offender Management Board to the floor with a recommendation that he be confirmed by the Senate for a term commencing January 1, 2021, to expire on January 1, 2024. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

VOTE ON GUBERNATORIAL REAPPOINTMENT: **Senator Wintrow** moved to send the Gubernatorial Reappointment of Moira Lynch to the Sexual Offender Management Board to the floor with a recommendation that she be confirmed by the Senate for a term commencing January 1, 2021, to expire on January 1, 2024. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

H 94 **Relating to the Criminal Justice Integrated Data System. Representative Caroline Nilsson Troy** explained that in 2020 the Legislature created the Criminal Justice Integrated Data System (CJIDS) and the Data Oversight Council (Council) to protect information involving CJIDS. Under the Legislation, personnel from the State Department of Education moved to the State Board of Education. **H 94** allows the education representative on the Council to be a member of the State Board of Education. In addition, this bill allows the group to have a vice chairman.
Ashley Dowell, Chair, Criminal Justice Integrated Data System Oversight Council, stated she supports **H 94**.

MOTION: **Vice Chairman Ricks** moved to send **H 94** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

H 95 **Relating to the District Magistrates Commissions. Representative Caroline Nilsson Troy** stated that in 2020 the Legislature added a County Clerk to the Magistrates Commissions. They failed to set forth what would happen if a vacancy occurred. **H 95** stipulates that the structure of Commissions will be divided into three sections: members, terms, and vacancies. There are five members, all appointed by the Governor: three mayors and two at-large individuals. This Legislation staggers the dates of their appointments so they do not all happen at the same time. **H 95** also specifies that there will only be one appointment from a city of over 10,000 people, giving rural areas sufficient representation. To avoid confusion over which mayor was appointed when, they will be assigned in A, B, and C positions.

MOTION: **Senator Lee** moved to send **H 95** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

H 96 **Relating to Family Law License Suspensions. Representative Caroline Nilsson Troy** stated that last year the House passed this Legislation but not the Senate. Work was done during the summer by the stakeholders and **H 96** is a result of that. This bill deals with people who do not pay their child support and have their driver's licenses suspended. It allows an individual who has lost their driver's license because of unpaid child support to ask the courts, and show good cause, to be granted a temporary restricted license to get them to their employment. The judge will have complete control over the restrictions.

DISCUSSION: Committee members discussed how the temporary restricted license would be used and regulated. **Senator Lee** asked what would happen if the individual gets their license returned and continues to not pay their child support. **Senator Troy** responded that she assumed their license would be revoked again and they would have to go back to the courts.

Senator Burgoyne said he had experience in child support enforcement and saw how judges let people get away with not paying it. He saw instances when people have the money to pay child support and they choose not to pay because, in their mind, they are giving the money to their divorced spouse.

MOTION: **Senator Anthon** moved to send **H 96** to the floor with a **do pass** recommendation. **Senator Thayn** seconded the motion.

DISCUSSION: **Senator Anthon** commented that Representative Nilsson Troy provided good reasons for passage of this bill. People living in rural areas must be able to drive to get to their jobs. He expressed confidence in the magistrate judges' judgment.

Senator Lee expressed how difficult child support issues can be. She stated that child support should be one of the first things paid when budgeting, and she is sympathetic to people who must drive to get to their jobs. **Senator Lee** commented that this a complex bill but it needs to be heard.

Senator Wintrow agreed that child support is hard. She said she could not support **H 96** because of the concerns expressed by Senator Burgoyne.

Chairman Lakey commented that he would support **H 96** recognizing that in order to pay child support one must have a job. He cautioned that this legislation needs to be watched.

MOTION VOTE: The motion carried by **voice vote**. **Senator Burgoyne** and **Senator Wintrow** voted **nay**.

ADJOURNMENT: There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:15 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary