

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, January 18, 2023

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lakey, Vice Chairman Foreman, Senators Lee, Anthon, Ricks, Hart, Hartgen, Wintrow, and Ruchti

**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.

INTRODUCTION: **Introduction of Senate Page**, Libby Blattner from Kuna, Idaho. **Chairman Lakey** introduced the new Senate Page, and asked her to tell the Committee about herself. **Libby** shared that she attended Meridian High School and that she always had an interest in a career in politics, possibly a political pollster. Her future plans included going to the University of Idaho majoring in economics with a minor in statistics. After college graduation she would like to move to Washington, DC and work for a political polling firm. Libby enjoyed skiing, showing steers and Future Farmers of America (FFA). She recently competed in the National Contest for public speaking in the FFA program. **Chairman Lakey** added Libby's grandfather was retired Senator Bert Brackett.

GUBERNATORIAL REAPPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment** of Monty Prow of Meridian, Idaho, as Director of the Department of Juvenile Corrections (DOJC), to serve a term commencing January 2, 2023 and will serve at the pleasure of the Governor. **Director Prow** stated he had spent over 21 years in the Department of Juvenile Corrections in various capacities. He credited much of the success of the DOJC to the people he worked with on a regular basis. Their efforts in the last four years have been focused on two primary objectives. The first objective was prevention and intervention resources in the communities to reduce the need to commit youth into custody by developing ways government could help youth to develop behaviors necessary to become productive citizens and avoid incarceration. The second objective was if a youth did get committed into custody, they tried to ensure the youth received appropriate amount of treatment to develop behaviors necessary to become productive citizens in as short amount of time as possible.

DISCUSSION: **Senator Ricks** asked what kinds of programs were making recidivism rates drop. **Director Prow** responded by listing five things that research had proven to be effective. Those included: therapy programs, education, skills building, counseling and family engagement. Currently much effort was being expended on family engagement since kids change dramatically when they leave custody of the Department of Juvenile Corrections.

GUBERNATORIAL REAPPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment** of Colonel Kedrick Wills of Meridian, Idaho, as Director of the Idaho State Police (ISP), to serve a term commencing January 2, 2023 and will serve at the pleasure of the Governor. **Colonel Wills** explained he had been with the ISP for 27 years and had served in various positions in several Idaho locations. He stated he was passionate about his family, about the relationships with his employees and the relationships they had with the public. **Colonel Wills** went on to explain how hard ISP had worked in the past few years to improve working relationships with the public. He stated ISP had a team of amazing people working for them. They were concerned about keeping their ISP family healthy in every aspect of their lives including physical, mental and emotional health. There was much emphasis placed on helping each employee take care of themselves for a lifetime.

DISCUSSION: **Senator Anthon** questioned if there were enough officers for the growing State of Idaho. **Colonel Wills** responded that there were not enough officers and not enough officers applying for open positions. He stated that Governor Little was supporting an increase in personnel to help fight the increasing fentanyl issue in Idaho. He added that low application numbers was a national problem. Appreciation for all the efforts extended by the ISP was expressed by Senators Anthon, Wintrow, Foreman and Chairman Lakey.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Appointment** of Bryan Nickels of Boise, Idaho, as Chief Administrative Hearing Officer, to serve a term commencing September 6, 2022 and will serve at the pleasure of the Governor. **Mr. Nickels** gave a brief description of his background, including having been surrounded by people who were public service minded individuals. He had practiced law for 21 years and spent the last 15 years working for a local hospital in medical indigency proceedings, and felt very comfortable with administrative law. **Mr. Nickels** stated he felt he was a good match for this position because he had started two law firms on his own in challenging circumstances. In addition to those experiences, he said two things that attracted him to this position was the need to have unbiased presiding officers and to have people feel like they can participate fully in the system. He felt his experience provided that for him.

DISCUSSION: **Senator Lee** asked if there were any unexpected needs that had arisen. **Mr. Nickels** responded that the one surprise they have had is the case count. The numbers were much higher than anticipated. The numbers have varied greatly after talking with the department directors about possible needs.

Senator Ruchti asked what experience Mr. Nickels had that he could draw on in this new position. **Mr. Nickels** said that his time working in the hospital medical indigency area was good training for his current position.

Chairman Lakey asked what challenges Mr. Nickels saw in setting up this new office that he would like to remedy. **Mr. Nickels** commented there were two major concerns. The first was to make the process more predictable so that practitioners can focus on what's going on and not be worrying about the process. The second was to emphasize and provide necessary training so that hearing officers would not have bias or any appearance of bias. There was a code of conduct that will be used in regulating bias concerns

PASSED THE GAVEL:

Chairman Lakey passed the gavel to Vice Chairman Foreman.

DOCKET NO. 05-0103-2201

Rules Relating to the Custody Review Board (ZBR Chapter Rewrite) - Proposed Rule. **Monty Prow**, Director, Idaho Department of Juvenile Corrections, stated that the biggest change in this rule reflects the legislative change from last year relating to time in custody, and one or more case managers felt the juvenile needs more time in custody beyond 18 months.

MOTION: **Senator Wintrow** moved to approve **Docket No. 05-0103-2201**. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 21-0101-2201 **Rules Relating to Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure - Proposed Rule.** **Tracy Schaner**, Deputy Chief Administrator, Idaho Division of Veterans Services, stated that this pending rule clarifies the rights of a resident regarding notification of transfers or discharges from the Veterans Homes, and the rights of an applicant regarding notification of a denial of an application for residency. This change makes it possible to follow exactly what is in statute for unclaimed property. The rule has no fiscal impact on the State general fund.

MOTION: **Chairman Lakey** moved to approve **Docket No. 21-0101-2201**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 11-1101-2201 **Rules Relating to the Idaho Peace Officer Standards and Training Council (POST) - Proposed Rule.** **Brad Johnson**, Chief Administrator, Peace Officer Standards and Training Council, indicated these changes were small corrections to the more substantial changes made last year. The first puts back in the requirements for detention officers which was left out. The second lists the requirement that you must have advanced certification as a misdemeanor probation officer, not just police experience to be a certified probation officer.

MOTION: **Senator Lee** moved to approve **Docket No. 11-1101-2201**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 11-1003-2201 **Rules Relating to Governing the Sex Offender Registry - Proposed Rule.** **Amy Campbell**, Presenter, Sex Offender Registry, noted the first substantive change was as follows: The ISP Sex Offender Registry received notification of a registered offender's death by many means including notification from the Vital Statistics Department of Health and Welfare, a report from a sworn officer or county corner or a certified death certificate. Adding the language found in Section 012.06a ensured that the registry had reliable data sources regarding deceased offenders to expunge them from the registry. The second change was the addition of the sentence to Section 012.06a "Any periods of supervised release, probation, or parole in Section 18-8310(1)(a), Idaho Code, means those periods resulting from the underlying conviction requiring registration." This clarified that the unrevoked supervision, probation or parole must be from the offense or offenses that required the subject to register as a sex offender, and not just any supervision or probation for any other offense. The third change was adding the words "or official pardoning body" to Section 012.06b.

MOTION: **Senator Wintrow** moved to approve **Docket No. 11-1003-2201**. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

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

ADJOURNED: There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:32 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary