

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Monday, January 30, 2023

TIME: 1:30 P.M.

PLACE: Room WW54

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

**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 & Rules Committee (Committee) to order at 1:30 p.m.

RS 30012 **Monthly Court Fee Collections. Senator Hartgen**, the sponsor of the RS stated she had this proposal brought to her by county clerks that wanted to make consistent the collection and processing of fees. Clerks have had to process fees in the Odyssey system within five days of collection, and it was their hope to have this changed to the fifteenth of every month.

MOTION: **Vice Chairman Foreman** moved to send **RS 30012** to print. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

RS 30082 **Venue Change Filing Fees. Senator Hartgen** explained that this legislation would update the process for the payment of fees for changing court venues. The \$29 filing fee would remain with the original court and the paperwork would be transferred via the Odyssey system to the new venue. The county clerks had the flexibility to set up the process in their individual counties.

MOTION: **Senator Lee** moved to send **RS 30082** to print. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

S 1022 **Windshield and Window Standards for Motor Vehicles. Lt. Colonel Bill Gardiner**, Deputy Director, Idaho State Police (ISP), explained this bill would seek to modify § 49-944 of Idaho Code by incorporating federal motor vehicle safety standards for windshields and windows. The present section of Code, which was added in 1992, established the State's requirements for these standards. Research provided showed there were few cars still in compliance with older legislation requirements. This bill was introduced to streamline this section and create uniformity.

DISCUSSION: **Vice Chairman Foreman** voiced concern over the possibility of the State, by attempting to simplify its own Code, becoming beholden to any changes that could be made in the future to Federal code. **Lt. Colonel Gardiner** shared the concern of potential federal overreach, but was confident the way the bill had been written only covered windshields and windows. **Vice Chairman Foreman** followed up by asking if there was an alternative to fully-incorporating federal code and, instead, if ISP could write their own version to avoid making the State vulnerable to any changes that could be made at the federal level. **Lt. Colonel Gardiner** responded that, since vehicles sold in the United States had to be manufactured in accordance with federal code, it was the belief of ISP that incorporating that portion of federal code would make sense and offer greater protection to Idaho citizens. They would only be subjected to inspection of the level of tint on their windows and not the

build quality of the vehicle's components. **Senator Wintrow** asked a clarifying question about the intent of ISP to create redundancy with federal code because the judgement of tint, windows, and windshields by troopers would also apply to interstate travellers. **Lt. Colonel Gardiner** agreed, stating that the language ensured consumers would be confident their windshields and windows would be legal, and the same for any motorists stopped by a trooper. **Senator Ricks** asked Lt. Colonel Gardiner if there were any provisions in the proposed legislation that would address any aftermarket changes to windshields and windows. **Lt. Colonel Gardiner** responded saying this legislation would actually simplify that process, because the make of the windshield would not matter, only if it was under 30 percent tint. **Senator Ricks** followed up by clarifying that the consumer would not have to worry about adhering to federal code because it was applied uniformly. **Senator Hart** asked if the current code was more simple or if it would be in the event the proposal was codified. **Lt. Colonel Gardiner** stated that, by pulling the rule and putting it into Code, it would be easier for Idahoans to read and access. **Senator Hart** followed up by asking how a citizen could find digital and physical copies of the Code. **Lt. Colonel Gardiner** specified that, by entering the specific code section into a search engine, one could find what they were looking for. **Chairman Lakey** asked if the relevant section of federal code was already present in the rule and if it would be adequately cited in Code. **Lt. Colonel Gardiner** confirmed that reference was already in the rule and would be applied to Code, should the legislation pass.

MOTION: A Roll Call vote was requested by **Vice Chairman Foreman**. **Senator Wintrow** moved to send **S 1022** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion **passed 5-3**, with **Chairman Lakey, Senator Lee, Senator Anthon, Senator Hartgen, Senator Wintrow, and Senator Ruchti** voting Aye and **Vice Chairman Foreman, Senator Ricks, and Senator Hart** voting Nay.

S 1024 **Commutations and Pardons for Death or Life Sentences.** **Ashley Dowell**, Executive Director, Pardons and Parole Commission. **Director Dowell** began her presentation by declaring the intention for creating **S 1024** was in response to a case in 2021 where an inmate, Mr. Pazuello, requested his death sentence be commuted to a life sentence, which was later granted by the Pardons and Parole Commission. It was overturned by the Governor, leading to Supreme Court intervention. After the Supreme Court confirmed the Governor had the authority to make such a decision, the Pardons and Parole Commission decided to draft this legislation, and added clarifying language in Code that specified the authority of the Governor in instances like the one involving Mr. Pazuello.

DISCUSSION: **Chairman Lakey** began discussion by clarifying that this bill would not establish any new authority, rather it would simply clarify the status quo in Code. **Director Dowell** confirmed that was all the legislation would do. **Senator Ricks** asked if there was a need for this bill if it was already determined the Governor had this authority. **Director Dowell** responded this would not only clean up language but create the time frame of 30 days within which the Governor had to potentially overturn a recommendation from the Pardons and Parole Commission. **Senator Wintrow** observed that the responsibilities seemed fairly clear, but was wondering if part of the inspiration for this legislation was the Supreme Court asking for the responsibilities of the Executive Branch and the Pardons and Parole Commission to be clarified. **Director Dowell** confirmed that the fact that the Supreme Court had to intervene made them realize it would behoove the Commission to get the responsibilities of each party codified to avoid any future conflicts. **Vice Chairman Foreman** observed this legislation would do little to change Code and questioned the necessity of this change being made. **Director Dowell** responded by stating the intent of the language is necessary to avoid any future legal complications should the Executive Branch seek to overturn a recommendation made by the Pardons and Parole Commission. **Senator Hart** inquired if the Pardons and Parole Commission worked with the Governor's Office on this proposal. **Director Dowell**

confirmed that her Commission did work with the Governor's Office and that this bill got their approval.

MOTION: **Senator Lee** moved to send **S 1024** to the floor with a **do pass** recommendation. **Senator Ruchti** seconded the motion. The motion carried by **voice vote**.

S 1027 **Subpoena Service and Interpreters.** **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, declared the intent of this legislation was to save the State time and money. Current law stated any individual with difficulty hearing, speaking, reading, or understanding English that had received a subpoena would result in a court-assigned interpreter being subpoenaed as well. The aim of this legislation was to serve a subpoena to an interpreter only if needed, as the act of serving someone is costly and time-consuming.

DISCUSSION: **Senator Ricks** expressed his support for the legislation, noting that court-assigned interpreters have a financial incentive to attend proceedings, even if not required. He supports the legislation for the cost savings it would offer the State.

MOTION: **Senator Ricks** moved to send **S 1027** to the floor with a **do pass** recommendation. **Vice Chairman Foreman** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:12 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary

Kieran Sprague
Assistant Secretary