

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, February 15, 2023

TIME: 1:30 P.M.

PLACE: Room WW54

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

ABSENT/ EXCUSED: Chairman Lakey

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: **Vice Chairman Foreman** called the meeting of the Senate Judiciary & Rules Committee (Committee) to order at 1:30 p.m.

RS 30194 **Sex Offender Registry and Rulemaking Authority. Ashley Dowell**, Executive Director of the Idaho Commission of Pardons and Parole, announced the intent of **RS 30194** was to clean up language in State Code that became confusing following the passage of a bill that pertained to the sex offender registry. The previous legislation was crafted to have "crimes against nature" removed from Code, since it was declared unconstitutional. Criminal justice groups were concerned the language became misleading, so the goal was to ensure no one was accidentally removed from the registry.

DISCUSSION: **Senator Wintrow** spoke to her past involvement with the Criminal Justice Commission and observed this could have been an oversight. She urged the bill's support so the language could be cleaned up and no problems would arise.

MOTION: **Senator Wintrow** moved to send **RS 30194** to print. Seconded by **Senator Ricks**. The motion carried by **voice vote**.

RS 30366 **Notification of Parents/Guardians in Child Protection Investigations. Senator Herndon** clarified that **RS 30366** was intended to replace **S 1050**, which the Committee had taken up previously. He noted that there was only one change made to the previous proposal. The change allowed the Department of Health & Welfare to determine how they notified parents/guardians of their rights in the event of a Child Protective Services investigation.

DISCUSSION: **Senator Ricks** asked if the legislation was necessary since the Department already developed pamphlets to let parents/guardians in those situations know their rights. **Senator Herndon** responded that the intent was to codify those notices so the practice would have continuity.

MOTION: **Senator Hart** moved to send **RS 30366** to print. Seconded by **Senator Anthon**. The motion carried by **voice vote**.

AT EASE: **Vice Chairman Foreman** called the Committee at ease for an indefinite amount of time. The Magistrate Judges were presenting in the House Judiciary and Rules Committee at the same time as the Senate Committee. As soon as one judge finished his presentation there, he would present to the Senate Committee. This accommodated the judges not having to travel to Boise twice for their presentations. Judge Bryan Murray was coordinating the presentations in both committees.

Vice Chairman Foreman asked to have the Page Graduation while the Committee was at ease for the Magistrate Judge Presentations.

PAGE GRADUATION: **Senate Page Graduation. Libby Blattner** spoke fondly of her time spent serving as a page in the Idaho Legislature. She said her plan after the school year concluded was to attend the University of Idaho and work towards a career in political polling. She said it was her hope that her journey would bring her back to the Capitol because the people, issues, and learning experiences was great.

INTRODUCTION: Introduction of Magistrate Judges. Judge Bryan Murray, Senior Magistrate Judge, Bannock County, expressed his thanks to the Committee for hosting himself and his fellow magistrate judges. Judge Murray stressed the importance of the opportunity to explain the role of magistrates, as they were on the front lines in communities and served as the "emergency room" of local judicial systems. Along with him were judges Jurries, Hooste, and Colson to present on different issues affecting magistrates.

PRESENTATION: The Role and Work of Magistrate Judges. Judge Jill Jurries, Magistrate Judge, 4th Judicial District, began her presentation by recounting her time spent as a Senate Page from Washington County 30 years ago. She said that experience inspired her to get involved. **Judge Jurries** explained that many magistrate judges have specialized different areas such as family law, protection orders, and probate matters. While those judges were very multifaceted, only the divorce and probate judges could hear civil cases valued over \$10,000, and those were two of the most common cases that came before magistrates. She went on to explain that there were a total of 101 magistrate judges assigned across Idaho's 44 counties. **Judge Jurries** described the disparity in workload between rural and urban judicial districts. The rural ones required a judge to be on the clock 24/7, while those in urban districts were able to rotate responsibilities in the event late warrants required urgent responses. These judges would often spend their free time teaching law, mentoring younger judges, or would get involved in youth programs. One of the greatest challenges in this work was dealing with situations with potential harm to self or others. Some of the other challenges discussed were those of compensation and staffing. She said the Idaho Constitution restricted the payment of judges if they had rulings pending for longer than 30 days. For staffing, unlike district court judges, magistrate judges did not have support staff to assist with research, writing, or case preparation. **Judge Jurries** wanted to leave on the note of welcoming collaboration, because magistrate judges strive to be effective leaders and innovators to better Idaho courts.

DISCUSSION: Senator Lee asked Judge Jurries if she had any recommendations for ways the Legislature could help magistrates. **Judge Jurries** observed the impact population growth had on the judicial system. She said it would be helpful if there were more magistrates and if they had support staff, as both of those additions would greatly expedite the legal process. She concluded her response by stating they would be grateful for any support the Legislature would offer. **Senator Ruchti** shared his belief that any support for magistrates that might get them more staff would be great.

PRESENTATION: Technology - Access to Justice. Judge David Hooste, Magistrate Judge, 6th Judicial District, set the tone for his presentation by stating that technological improvements increase access to justice. While there would still be times where hearings were more prudent, like presentations from sworn witnesses, since the judicial system has had greater technological immersion, failure-to-appear rates have dropped and the courts have had greater access to specialized attorneys, subject matter experts, and interpreters, the last of which had been sorely lacking in Idaho. He also hailed the Odyssey software system, which had done a tremendous job of streamlining case management and data transfer between counties. All of these improvements had made the judicial system more efficient. Increased efficiency led to greater cost-savings, which got passed on to counties and taxpayers. **Judge Hooste** concluded his remarks by commending the technological

improvements that had been made in the judicial system for improved access, increased transparency, and strengthened confidence in the courts across Idaho.

DISCUSSION: **Senator Anthon** asked the Judge if there were any stipulations for having remote hearings conducted and if there had been any appeal issues that resulted from the use of remote hearings. **Judge Hooste** stated the use of remote hearings were left to the discretion of the presiding judge. To his knowledge there had not been any appeal issues that stemmed from the use of remote hearings in Idaho. **Senator Lee** asked if judges in rural districts had to look out of county or even state to find qualified employees and if that was a cause for concern. **Judge Hooste** said that, even during the pandemic years, he would see a lot of the same attorneys from the surrounding area. Given his district's location in the southeastern part of the state, he would see some people from Logan, Utah, but most of the attorneys with whom he would work and the hiring of personnel would be done in a radius of a couple hours of driving. **Vice Chairman Foreman** expressed his concern at the 24/7 nature of a judge's work, and how they might be affected by increasing workloads. **Judge Hooste** explained the challenges of being a rural judge, like his being the only seated judge chambered in Oneida County. He continued to express the call-to-service that drove all judges to pursue their roles, and how the long hours had been worth it because they were able to help their communities. **Senator Hart** asked what suggestions the Judge had for the legislature to help younger people that were incarcerated to pursue skilled trades or advanced degree programs. **Judge Hooste** acknowledged the challenge of reducing recidivism and helping incarcerated youth reintegrate, but admitted it would be a task for a body outside the judiciary.

PRESENTATION: Judicial Safety & Security. **Judge Cleve B. Colson**, Magistrate Judge, 7th Judicial District stressed that the most critical thing for the judicial system was that it was independent, impartial, and made up of competent individuals. He continued to say that confidence in that system would erode if the perception changed to the point that judges were not seen in that way. **Judge Colson** presented some examples of challenges he had personally been dealing with, where he was doxxed, which resulted in threats coming in over text, calls, and social media to influence his decision-making. An individual stalked them and approached the Judge at his son's baseball practices. He said those challenges were the kind of things that can affect the ability of a judge to act impartially in the administration of justice, and prevention measures were needed. He then expressed his support for current legislation that would censor the home address and phone number for judges as a means of protecting them, their families, and the integrity of the judicial system.

DISCUSSION: **Vice Chairman Foreman** stated that, as a nation, we could not allow attacks on our republic to continue, and that he was glad the Legislature has taken steps to prevent such problems from happening. **Senator Lee** noted that judges in rural, more tight-knit communities might have a harder time being protected through that legislation and if the Judge thought they would receive adequate protection. **Judge Colson** stated his belief that there was no "magic wand" solution, but that the proposed legislation would be a great first step. **Senator Lee** followed up by asking about the challenge of judges balancing the thoughts and values of their communities with being independent, and if a judge should reflect the values of the communities they served. **Judge Colson** concurred, saying there was great value to having judges that were representative of the communities they serve, and that the fact they were elected meant they had to earn the support of their constituents to uphold the law as they saw appropriate.

ADJOURNED: There being no further business at this time, **Vice Chairman Foreman** adjourned the meeting at 2:52 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary

Kieran Sprague
Assistant Secretary