

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Wednesday, March 08, 2023

**TIME:** 1:00 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 & Rules Committee (Committee) to order at 3:00 p.m.

**MINUTES APPROVAL:** **Vice Chairman Foreman** moved to approve the minutes of February 8, 2023. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Lee** moved to approve the minutes of February 15, 2023. **Senator Hartgen** seconded the motion. The motion carried by **voice vote**.

**RS 30495** **Related to Judicial Salaries. Jason Spillman**, Legal Counsel, Administrative Office of the Courts, presented **RS 30495** as a bill that was aimed to address the competitive disadvantage Idaho judges faced in terms of compensation. **Mr. Spillman** said Idaho judges were paid less than their peers in neighboring states, with salaries and benefits that lagged far behind the national average which caused many to become private sector attorneys. The bill language had raises for appeals, district, and magistrate judges of 7.5, 7.8, and 8.5 percent, respectively. Supreme Court justices were to receive a 7 percent raise as well.

**MOTION:** **Senator Anthon** moved to send **RS 30495** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**S 1130** **Coronavirus Stop Act. Senator Adams** presented **S 1130** as a slight modification to the Coronavirus Pause Act from the 2022 Legislative Session. He said the primary intent of the bill was to ensure no individuals were treated differently or discriminated against as a result of their vaccination status. The bill included the codification of a past executive order that established vaccination status guidelines for employees of State entities, but the change was the expansion of those guidelines to private businesses in Idaho. **Senator Adams** said exemption language was added that enabled people that had to travel to other states or countries for work that required vaccines to enter contractual agreements to increase transparency in employment and prevent coercion. The largest change was the transition of penalties under the new section of Code to civil rather than criminal.

**TESTIMONY:** **Liza Leonard** represented Ball Ventures and spoke in opposition to the bill. She said **S 1130** was an anti-business bill that had the ability to expand government overreach by the addition of language that took away the flexibility of private employers to deny employment to people due to their vaccination status. She said that would further complicate at-will employment matters in the State of Idaho, and that vaccine requirements were no different than other medical screening and testing requirements that many employers already utilized. She said people with reservations about a company's vaccine requirements could find employment elsewhere, and that the free market would have taken care of them.

**DISCUSSION:** **Senator Hartgen** asked if the legislation had any affect on the medical sector, as they had to adhere to federal regulations that included vaccines. **Senator Adams** said private entities that received Medicare and Medicaid funds were exempt from the requirements of his bill.

**Senator Wintrow** asked if the bill created a protected class for non-vaccinated persons. **Senator Adams** said that was not the case. He said the intent of the bill was to prevent division in the State of Idaho and to benefit its citizens.

**Senator Ricks** expressed support for the business community and recognized the divisive nature of the issue of employer-mandated vaccines versus bodily autonomy. He said he was supportive of the legislation because it enhanced what was already in State Code.

**Senator Ruchti** spoke from the perspective of a small business owner, and how many in similar situations did not have the flexibility larger businesses had during the pandemic to ensure employee safety in instances where some were medically-vulnerable. He said the bill created government overreach and he would vote against the bill.

**Vice Chairman Foreman** expressed his sensitivity to any government overreach, but the decisions an individual made for their health were more important than any decisions a business or government could have made. He said it was the responsibility of government to protect individuals from danger, and he thought the bill was good.

**MOTION:** **Vice Chairman Foreman** moved to send **S 1130** to the floor with a **do pass** recommendation. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

**RS 30574** **Related to Judge Resignations.** **Senator Lee** said the bill was tailored to district judges, appellate court judges, and Supreme Court justices. **RS 30574** had the ability to remove the 'Plan B' incentive in the event any judge did not complete the term for which they were elected.

**MOTION:** **Senator Ricks** moved to send **RS 30574** to print. **Vice Chairman Foreman** seconded the motion. The motion carried by **voice vote**.

**RS 30576** **Related to Motor Vehicle Definition.** **Senator Anthon** said the inspiration for the bill was to stop a trend of conflicting results in case law that resulted from language surrounding exemptions for debtors that surrendered property to their creditors. The bill cleaned up language and added a new definition of motor vehicle.

**MOTION:** **Senator Lee** moved to send **RS 30576** to print. **Senator Hartgen** seconded the motion. The motion carried by **voice vote**.

**S 1118**

**Homestead Exemption, Debt Collectors.** **Senator Anthon** said **S 1118** was a housekeeping bill that updated the dollar amount of the homestead exemption for debtors from \$175,000 to \$250,000. In the event a creditor collected, the exemption was the dollar value of the homestead the owner was able to keep. This figure had not been updated in six years, and **Senator Anthon** said the new exemption figure was more representative of current real estate market conditions in Idaho. He acknowledged banks and creditors were not in favor of the legislation, but that Idaho Legislature had decided in the past to provide protections for debtors in its bankruptcy code, and it deserved an update.

**TESTIMONY:**

**Trent Wright** spoke in opposition to the bill because it had potential to adversely impact a lender's ability to collect on judgements. **Mr. Wright** said that the current level of \$175,000 made it more likely a lien was fully-enforced and the likelihood of surviving a bankruptcy. If the level was raised to \$250,000, he feared it would become more challenging to initiate a sale and that bankruptcy attorneys would petition for the prioritization of non-mortgage liens. He said Idaho's exemption per homestead greatly exceeded those in Utah (\$84,000), Wyoming (\$40,000), and Oregon (\$50,000).

**DISCUSSION:**

**Senator Ruchti** asked for additional details about the sale process in instances where collections resulted in a home sale. **Senator Anthon** said owners were not required to sell or vacate the home, and they were allowed to keep the equity in the home if the value did not exceed a statutory limit. He said those owners were also allowed to take the equity they had to reinvest in a new property, and there was nothing in Code about forced sales.

**MOTION:**

**Vice Chairman Foreman** moved that **S 1118** be sent to the floor with a **do pass** recommendation. **Senator Ruchti** seconded the motion. The motion carried by **voice vote**. **Senator Hartgen** and **Senator Wintrow** voted nay.

**H 149**

**Criminal Records, Disclosure.** **Senator Lent** said **H 149** was crafted after three years of work with stakeholders in the judicial sector and law enforcement and accommodated many of their requests that included: protection of rulemaking for the courts, single offense limit for prosecutors, defined offenses that were eligible to be sealed, prevention of the preparation of petitions from public defenders, petition objection notices for prosecutors, and record visibility for prosecutors. **Senator Lent** said that for individuals, one time, committed a non-violent and non-sexual crime, **H 149** could help them petition for their criminal record to be sealed or expunged if there was no repeat offense during a five-year period after all conditions of their penalty were met. **Senator Lent** said 42 other states had similar rules in place, and this legislation was a good step to reduce recidivism and help one-time offenders gain greater access to housing, employment, and increased earning potential, having cited a study performed in Michigan. He clarified that, for those that had their record sealed and reoffended afterwards they would have their record reopened and the recent offense would have showed up as a second offense.

**TESTIMONY:**

**Jodi Peterson-Stigers**, testified on behalf of Interfaith Sanctuary Homeless Shelter in support of **H 149**. She said existing language in Code made it more difficult for people that committed a misdemeanor to get housing and good-paying jobs, which had led to prolonged experiences of homelessness or at shelters, both of which were big financial burdens to Idaho communities. She said this was a great step in the right direction to help people who knew they did wrong and wanted to get their lives back on the right track.

**Stephanie Taylor-Thompson** from Idaho Falls testified in favor of the legislation. She had been pardoned in Idaho and Montana, but was still unable to pass background checks. She had three college degrees and was working on a Masters, but her record prevented her from furthering her education or obtaining

licensing. In her work with Idaho Department of Corrections she helped serve many people that had the potential to get better employment opportunities, secure housing, and better provide for their families.

**Erin Aboud** spoke in support of **H 149**. She said there had been many obstacles placed in her way as she attempted to secure housing, employment, and assist with her son's education since the events of 2011 that gave her a criminal record but also led to her sobriety. She said she was only qualified to live in neighborhoods that had felon-friendly or private landlords. Her wish was to find solid employment to create financial stability and access benefits to take care of herself and her son, but the only jobs available for ex-felons paid minimum wage, offered little-to-no benefits, and surrounded her with the people she wished to stay away from.

**Paul Riggins**, a criminal defense lawyer from Boise and member of the Idaho Association of Criminal Defense Lawyers, was the last to testify and spoke in support. He said that people, especially when young, were prone to mistakes, and were capable of change, and many did not deserve to have their mistakes follow them forever. He said it was his belief most applications would not require a hearing, and the proposed fiscal impact was too high. For those that had drug charges, he said Idaho required the completion of a treatment program, and he assured those were not likely to remain in possession, sale, or distribution of drugs.

**MOTION:** **Vice Chairman Foreman** moved that **H 149** be sent to the floor with a **do pass** recommendation. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Lakey** adjourned the meeting at 1:54 p.m.

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Senator Lakey  
Chair

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Sharon Pennington  
Secretary

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Kieran Sprague  
Assistant Secretary