

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Friday, February 09, 2024

TIME: 1:30 P.M.

PLACE: Room WW54

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

ABSENT/ EXCUSED: Anthon, Wintrow

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.

RS 30979 **Relating to revising a penalty for the crime of enticing children. Senator Foreman** explained this legislation amended Idaho code to make a first time conviction for child enticement a felony offense. Currently, the code read first time convictions were misdemeanors and a second offense was a felony. In another section of code there was a definition of kidnapping almost identical to the one for child enticement. That code section stated the first offense for kidnapping was a felony. This legislation would remove the inconsistency and make enticing a child under 16 years of age a felony. The penalty would then be consistent with Idaho's kidnapping code. Law enforcement supported passage of this legislation.

MOTION: **Senator Hartgen** moved to send **RS 30979** to print. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

RS 30983C2 **Relating to safeguards for Freedom of Speech. Senator Lenney** stated **RS 30983C2** was a free speech protection bill. The legislation was crafted to counteract strategic lawsuits against public participation known as SLAPP lawsuits. SLAPP lawsuits were most often used to silence, bankrupt, or intimidate everyday people who did not have the time or money to be involved in lawsuits. Idaho was one of 18 states with no anti-SLAPP protection. The legislation provided a procedure for expedited relief from lawsuits and it imposed a stay on proceedings until a motion to dismiss was filed. This created a way for meaningless lawsuits to be deemed meritless before they were tied up in court for years without a verdict. The bill also allowed for awarding court costs, attorney's fees, and expenses to the prevailing party.

MOTION: **Senator Ruchti** moved to send **RS 30983C2** to print. **Senator Hart** seconded the motion. **Senator Lee** requested a broad discussion to clarify how this type of legislation worked. **Senator Lenny** assured her that would happen. The motion carried by **voice vote**. **Senator Lee** voted nay.

RS 31049 **Relating to Aggravated Driving while Reckless.** **Senator Hartgen** explained her legislation related to DUI Charges. She acknowledged there was currently legislation regulating DUI Charges. It included drunk driving and receiving a misdemeanor for a first offense. If someone other than yourself was hurt and caused great bodily harm, it became a felony. **Senator Hartgen** stated that fast and furious was the way drivers were driving and there needed to be legislation to govern such driving practices. If someone was killed by such a driver, it would be a manslaughter case. Drivers who permanently injured or disabled someone for the rest of their lives should receive a penalty. **Senator Hartgen** discussed the legislation with law enforcement and prosecutors. The bill had their support.

MOTION: **Senator Foreman** moved to send **RS 31049** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

RS 31120 **Relating to Records Being Shielded from Public Viewing.** Pursuant to Senate Rule 39(H), **Senator Rabe** disclosed a possible conflict of interest. She ran a nonprofit that prevented evictions and owner rentals and **RS 31120** affected evictions and rentals in the State. **Senator Rabe** explained there were no eviction shielding or expungement laws in Idaho causing that information to be permanently present on people's public records for their entire life.

This information could prevent people from obtaining housing and employment throughout their lives. **RS 31120** would shield eviction records from public view in limited circumstances where the entire case was dismissed, there was no pending appeal, and the action took place three years after the case was dismissed.

Senator Rabe added that rent had risen 40 percent in recent years and people could get eviction notices three days after their rent was due. Many times people were living paycheck to paycheck and any financial crisis could cause them to be late with their rent. **Senator Rabe** continued she felt those people deserved a second chance to have their records cleared.

She summarized by stating **RS 31120** was a balanced solution to help provide people being evicted for reasons related to nonpayment of rent and would allow landlords a tool to use to incentivize people to pay what they owed.

MOTION: **Senator Ricks** moved to send **RS 31120** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

RS 31225 **Relating to Licensed Homeless Youth Shelters.** **Senator Rabe** stated that **RS 31225** intended to ensure that licensed homeless youth shelters and crisis shelters in the State of Idaho were not guilty for a misdemeanor violation for housing runaway children under specific circumstances. Shelters, crisis centers, and housing providers had expressed a need to update the statutes regulating their centers. At times they had to turn youth away just to avoid criminal consequences.

Senator Rabe explained this legislation would make it so if providers and crisis centers followed certain steps, they would not be prosecuted. Those steps included the child must consent to be in the shelter, and the shelter must try to locate the child's parent or legal guardian. If the child refused to disclose their information, the shelter must contact local law enforcement pursuant to the child's location in accordance with local laws and licensure requirements. **Senator Rabe** was informed that there were a lot of counties that had specific rules relating to runaway youth and how to treat them.

MOTION: **Senator Lee** moved to send **RS 31225**. **Senator Hart** seconded the motion. The motion carried by **voice vote**.

**PASSED THE
GAVEL:**

Chairman Lakey passed the gavel to Vice Chairman Foreman.

RS 31257

Relating to an Application to Congress to call for an Article V Convention of States. Chairman Todd Lakey presented **RS 31257** and explained that our founding fathers recognized there may come a time when the federal government would not limit or control itself. Article V was created to address that circumstance. It gave the states power to call a convention to propose amendments to our Constitution to allow the states to address that circumstance. It required two thirds of the states to agree to request a convention. This resolution asked for a Convention to be called to obtain a balanced budget, limitation on jurisdiction of the federal government, and term limits. Proposals coming out of the Convention of States for proposed amendments had to be ratified by three-fourths of the states.

MOTION:

Senator Lee moved to send **RS 31257** to print. **Senator Ruchti** seconded the motion. The motion carried by **voice vote**.

Vice Chairman Foreman passed the gavel back to Chairman Lakey.

Senator Ruchti announced that the page, Naomi Foster, had just received an Army ROTC scholarship. He stated how proud the Committee was of her since they were not easy to receive and they gave the recipient flexibility to choose any school that had an ROTC program.

ADJOURNED:

There being no further business, Chairman Lakey adjourned the meeting at 1:55 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary