

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Monday, March 04, 2024

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.

RS 31576 **REGARDING Impact Areas. Chairman Lakey** stated that he and Chairman Ricks requested this legislation to be printed and routed to the Local Government and Taxation Committee.

MOTION: **Senator Ricks** moved to send **RS 31576** to print. **Senator Foreman** seconded the motion. The motion carried by **voice vote**.

RS 31581 **REGARDING Protections against Warrantless Search to Lands Beyond the Curtilage of a Citizen's Residence. Senator Anthon** stated this legislation guaranteed constitutional rights against unreasonable search and seizure.

DISCUSSION: **Senator Wintrow** asked if this legislation was related to the provision that allowed Idaho Fish and Game on private property to check tags. **Senator Anthon** said the legislation was related.

MOTION: **Senator Lee** moved to send **RS 31581** to print. **Senator Hart** seconded the motion. The motion carried by **voice vote**.

S 1349 **UNIFORM GUARDIANSHIP, CONSERVATORSHIP, AND OTHER PROTECTIVE ARRANGEMENTS ACT - Amends, repeals, and adds to existing law to establish the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act.**

NOTE: **Senator Ruchti** and **Mr. Aldridge** presented this bill at a prior Committee meeting. **Chairman Lakey** stated that further testimonies and comments on the bill were to be made during this Committee meeting.

TESTIMONY: **David Lehman**, American Association of Retired Persons (AARP) Idaho, testified in support of the bill.

DISCUSSION: The Committee questioned whether there were any particular problems the legislation solved. The change requested seemed to already be the law. **Mr. Lehman** responded to the Committee's concerns stating that he believed the statute reflected the best possible language for dealing with elderly adults and reiterated that the intent of the legislation was to provide clarity.

TESTIMONY: **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, opposed the bill due to the significant impact it would have on the courts and concerns over the implementation date.

DISCUSSION: The Committee asked Mr. Spillman the suggested implementation date and referenced the concern of complications the potential repealing of Title 66-404, Idaho Code would involve. **Mr. Spillman** stated that he would suggest an implementation date of July 2025, suggested amendments, and did not have a comment on Title 66-404.

TESTIMONY: **David Jensen**, Chair of the Idaho Commission on Uniform State Laws, testified in support of the bill. He gave a brief overview of the history of the National Guardianship Summit and the organizations that were involved in the drafting of this legislation.

Kelli Brassfield, Idaho Association of Counties, testified in opposition to the bill. She stated her concerns were over conflicting issues between this bill and others that were moving forward due to the mention of Guardian Ad Litem in this bill.

Benjamin Orzeske, Chief Counsel at the Uniform Law Commission, supported the bill and gave a national overview.

DISCUSSION: **Senator Anthon** asked what was wrong with the current statutes in Idaho. **Mr. Orzeske** explained that although current Guardianship Law was written to be the least restrictive, that was not happening in the courts.

Mr. Aldridge gave a closing statement for **S 1349**. **Senator Anthon** expressed concerns regarding deleting artificial life-sustaining procedures outlined on page 109, Title 66-402 and asked Mr. Aldridge to further explain this. **Mr. Aldridge** responded that it was covered in the probate code area.

MOTION: **Senator Foreman** moved to send **S 1349** to the floor with a **do pass** recommendation. **Senator Wintrow** seconded the motion.

SUBSTITUTE MOTION: **Senator Anthon** moved to hold **S 1349** in Committee for further study. **Senator Lee** seconded the motion.

DISCUSSION: The Committee had an in-depth discussion on needing further education regarding the proposed legislation.

AMENDED SUBSTITUTE MOTION: **Senator Ruchti** moved to send **S 1349** to the 14th Order of Business for possible amendment. **Senator Wintrow** seconded the motion. The motion failed by **voice vote**.

SUBSTITUTE MOTION: The substitute motion to hold **S 1349** in Committee for further study carried by **voice vote**.

S 1367 **PUBLIC DEFENSE - Amends and adds to existing law to establish provisions regarding public defense for indigent persons in this state.** **Senator Lee** stated this legislation provided clarification that the Office of the State Public Defender (OSPD) had the responsibility to provide coverage and payment for representation for which counties had responsibility prior to the creation of the OSPD. It also created a fund that coordinated statewide payments for Guardian Ad Litem representation previously paid by individual counties. She explained that a separate account was necessary to ensure a delineation from any funds for representation of indigent individuals in other cases.

DISCUSSION: **Senator Hartgen** asked Senator Lee to clarify the location of where in **S 1367** juvenile justice was referred to. **Senator Lee** responded that it was on page 5, line 18 (b) of the bill, Actions arising under the Idaho Juvenile Corrections Act, Chapter 5, Title 20, Idaho Code. She explained this was a clarification addition.

TESTIMONY: **Michael Lau** testified in support of the bill. He appreciated that it provided council in all stages of legal matters. **Kelli Brassfield**, Idaho Association of Counties, testified in support of the bill. She appreciated the bill's intent to utilize the pro bono programs across the State before utilizing the counties with the reimbursement funding from the state. **Eric Frederickson**, State Public Defender, testified in support of the bill. He referenced his work drafting the legislation.

MOTION: **Senator Hartgen** moved to send **S 1367** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

S 1369 **MANSLAUGHTER - Amends existing law to revise a penalty for vehicular manslaughter.** **Senator Bernt** stated that this bill was to add a mandatory minimum sentence of ten years for someone who was found guilty of driving under the influence (DUI) multiple times, along with vehicular manslaughter.

DISCUSSION: **Senator Wintrow** asked what would happen to a person currently. **Senator Bernt** believed that a judge could give someone up to a 15 year sentence.

TESTIMONY: **Amy Lamb** testified in support of the bill. She shared her personal experience with the danger of driving under the influence.

MOTION: **Senator Anthon** moved to send **S 1369** to the floor with a **do pass** recommendation. **Senator Hart** seconded the motion. The motion carried by **voice vote**. **Senators Foreman** and **Wintrow** requested to be recorded as voting nay.

ADJOURNED: There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:45 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary

Olivia McDonald
Assistant Secretary