MINUTES

SENATE JUDICIARY & RULES COMMITTEE

DATE: Friday, March 22, 2024

TIME: 1:00 P.M.

PLACE: Room WW54

MEMBERS Chairman Lakey, Vice Chairman Foreman, Senators Ricks, Hart, Hartgen,

PRESENT: Wintrow, and Shea (Ruchti)

ABSENT/ Senators Lee and Anthon

EXCUSED:

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 1:00 p.m.

MINUTES

APPROVAL:

Senator Foreman moved to approve the Minutes of February 21, 2024.

Senator Ricks seconded the motion. The motion carried by voice vote.

Senator Ruchti moved to approve the Minutes of February 26, 2024. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

Senator Hartgen moved to approve the Minutes of March 4, 2024. Senator

Hart seconded the motion. The motion carried by **voice vote**.

Senator Hart moved to approve the Minutes of March 11, 2024. Senator

Ricks seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT

VOTE:

Vote on the Gubernatorial Reappointment of John Dinger of Meridian, Idaho, to the Sexual Offender Management Board to serve a term commencing January 1, 2024 and expiring January 1, 2027. Senator Wintrow moved to send the Gubernatorial Reappointment of John Dinger to

the Sexual Offender Management Board to the floor with the recommendation that he be confirmed by the Senate. **Senator Foreman** seconded the motion.

The motion carried by voice vote.

PASSED THE

GAVEL:

Chairman Lakey passed the gavel to Vice Chairman Foreman.

HCR 42 RULES APPROVAL - HOUSE JUDICIARY, RULES, AND ADMINISTRATION

AND SENATE JUDICIARY AND RULES COMMITTEES - States findings of the Legislature and approves pending rules of the Department of Juvenile Corrections, the Idaho State Police, the Commission of Pardons and Parole, and the Office of Administrative Hearings reviewed by the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee. Vice Chairman Foreman stated this concurrent resolution showed the House Judiciary, Rules and Administration Committee and the Senate Judiciary and Rules Committee reviewed and approved pending rules of the Department of Juvenile Corrections, the Idaho State Police, the Commission of Pardons and Parole, and the Office of Administrative Hearings. He noted this was a procedural Concurrent Resolution dealing with the review of Administrative Rules and

there was no expenditure of funds.

MOTION: Chairman Lakey moved to approve HCR 42. Senator Wintrow seconded

the motion. The motion carried by voice vote.

HCR 43

RULE REJECTION - HOUSE JUDICIARY, RULES, AND ADMINISTRATION AND SENATE JUDICIARY AND RULES COMMITTEES - States findings of the Legislature and rejects and does not approve pending rules of the Department of Juvenile Corrections reviewed by the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee.

MOTION:

Chairman Lakey moved to approve **HCR 43**. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL:

Vice Chairman Foreman passed the gavel back to Chairman Lakey.

H 514AA

SEXUAL OFFENDER REGISTRATION - Amends existing law to revise the definition of "aggravated offense." Representative Ehardt explained this was a correction of an unintended loophole in Idaho Code § 18-8303. This correction was recently pointed out by Judge Tingey in a brief on his ruling March 26, 2023, in which he stated; "Clearly, the application of the current statutory scheme raised questions as to whether the clear language of the statute accurately reflected the Legislature's intent. What was considered and not considered to be an aggravated offense seemed contradictory in view of the ages of the victims. This court could not rewrite legislation which was clear and unambiguous, even though it defied common sense." There was no additional expenditure of funds for State and local government, nor did it cause an increase or decrease in revenue.

Representative Ehardt stated this bill was the necessary correction. She noted a 20-year old who was convicted of having consensual sex with a teenager could not have their record cleared for as long as 20 to 30 years after time served. After three to five years, an offender could go back to the courts and ask to be taken off the sexual offender list with this bill.

TESTIMONY:

Stephanie Brunson, representing herself, from Idaho Falls, explained her 19-year old son was found sleeping with a minor. She tried to help him get his record cleared since this was not an aggravated offense. The attorney stated the definitions were not correct and the statute needed to be corrected. The Sex Offender Registry had a duty to enforce the law as it was written. As currently written, an offender whose victim was between the ages of 12 to 15 years had the right to petition the courts for release from the registration requirements. But, an offender whose victim was 16 or 17 years of age was denied the same right to petition the court. When her son petitioned the court, his petition was denied without prejudice to renew in the event that legislation was amended.

MOTION:

Senator Hartgen moved to send **H 514aa** to the floor with a **do pass** recommendation. **Senator Wintrow** seconded the motion.

DISCUSSION:

Senator Ruchti noted the Judge did exactly what he was supposed to do with his ruling. He stated legislation had to be drafted very carefully. The Idaho Supreme Court interpreted the law as written.

VOICE VOTE:

The motion to send **H 514aa** to the floor with a **do pass** recommendation carried by **voice vote**.

PAGE GRADUATION:

Graduation of Senate Page Roy Hutchings, Rupert, Idaho. Chairman Lakey expressed his appreciation and that of the Committee for all of the help Mr. Hutchings gave to all. He praised him for his positive attitude and his willingness to always help. Chairman Lakey asked Mr. Hutchings to explain to the Committee what he liked and what he learned. Mr. Hutchings stated the Committee had been fun. The Committee seemed to have crazy bills that made the meetings interesting. He remarked he was more aware of things that happened to people. This made him more sympathetic to others.

Senator Wintrow thanked Mr. Hutchings for his kindness and responsiveness. She wished him the best.

Senator Ricks queried what were Mr. Hutchings plans moving forward. **Mr. Hutchings** explained he had been accepted at the College of Southern Idaho where he would learn about air conditioning and refrigeration. He noted he might enlist in the National Guard.

Mr. Hutchings remarked he also learned to like State government. Being a Page opened his mind as to what happened at the Capitol, the fun, the stress, and the amending of agendas.

ADJOURNED:

There being no further business at this time, **Chairman Lakey** adjourned the meeting at 1:30 p.m.

Senator Lakey	Sharon Pennington
Chair	Secretary
	Linda Kambeitz, Asst. Secretar