

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, January 15, 2025

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Skaug, Vice Chairman Alfieri, Representatives Scott, Ehardt, Erickson, Garner, Handy, Hawkins, Hill, Hostetler, Pohanka, Shirts, Gannon, Mathias (Carlson), Rubel

**ABSENT/
EXCUSED:** Representative Alfieri

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Skaug called the meeting to order at 1:30pm.

RS 31797: **Rep. Pohanka** presented **RS 31797** regarding fingerprinting services for private entities serving vulnerable populations.

MOTION: **Rep. Hostetler** made a motion to introduce **RS 31797**. **Motion carried by voice vote.**

H 6: **Rep. Bruce** presented **H 6** regarding the Attorney General's prosecutorial jurisdiction regarding elected city officials.

Committee inquired regarding origin of legislation.

Jeff Nye, Deputy Attorney General, Idaho Office of the Attorney General, testified **in neutrality**.

Committee inquired regarding the definition of "official capacity", clarification of jurisdictional conflicts and conflicts of interest, open-meeting law violations, and the number of annual proceedings.

Jeff Nye defined "official capacity" as interactions using official resources or in official locations, discussed the lack of jurisdictional conflicts and conflicts of interest with legislation, clarified the jurisdiction over State open-meeting law violations, related there are approximately twelve to fifteen complaints investigated annually, affirmed no additional resources needed to carry out prosecution of elected city officials, and related how an open-meeting law exception was no longer needed.

Mark Taylor testified **in support** of **H 6**.

MOTION: **Rep. Scott** made a motion to send **H 6** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote**. **Reps. Rubel, Gannon, and Carlson** requested they be recorded as voting **NAY**. **Rep. Bruce** will sponsor the bill on the floor.

H 7: **Rep. Redman** presented **H 7** regarding a mandatory minimum fine of \$300 for adults in possession of three ounces or less of marijuana.

Ryan Thompson, Idaho GOP, **Daniel Murphy**, **Fred Birnbaum**, Idaho Freedom Foundation, **Grace Howat**, Idaho Family Policy Center, and **Chris Goetz**, Idaho Sheriffs' Association, testified **in support**.

Committee inquired regarding enforcement ability, targeting, consequences of inability to pay fine, impact of prevention through fines, and effectiveness of fine.

Joseph Evans, Kind Idaho, **Jeremy Kitzhaber**, **Jackee Winters**, Kind Idaho, **Jon Badabe**, Idaho420.org, **Shon Luoma**, Kind Idaho, and **Paul Riggins**, Idaho Association of Criminal Defense Lawyers, testified **in opposition**.

Committee inquired regarding the risks and benefits of legal medications compared to those of illegal cannabis, the option of moving to a state where marijuana is legal, other offenses without mandatory minimum fines compared to the legislation, preventive resources, and fairness of statute.

Chairman Skaug put the committee at ease at 2:54pm.

Chairman Skaug reconvened the meeting at 3:07pm.

Tony Oxsen, **Brian Baughman**, **Rex Ingram**, President, Idaho Chiefs of Police Association, **Jason Kimball**, Lieutenant, Nampa Police Department, and **Thad Butterworth**, Ada County Republican Party, testified **in support** of **H 7**.

Committee inquired regarding personal responsibility, police officer discretion, marijuana categorized as a gateway drug, and fines as an effective deterrent.

Monica Gray, Idaho State Public Defender, testified **in opposition** of **H 7**.

Committee inquired regarding court costs in addition to fine, current small fines for the purpose of obtaining court costs, probation options when fines are not paid, moral equivalency issues, current judicial discretion regarding waived fines, resources for indigent individuals, and percentage of those prosecuted annually for medical marijuana use compared to those prosecuted for recreational use.

MOTION: **Rep. Hill** made a motion to send **H 7** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Garner** made a substitute motion to **HOLD H 7** in committee.

ROLL CALL VOTE ON SUBSTITUTE MOTION: **Chairman Skaug** requested a roll call vote. **Substitute motion failed by a vote of 6 AYE, 8 NAY, and 1 Absent/Excused. Voting in favor** of the motion: **Reps. Scott, Ehardt, Garner, Gannon, Carlson, Rubel. Voting in opposition** to the motion: **Reps. Erickson, Handy, Hawkins, Hill, Hostetler, Pohanka, Shirts, Skaug. Rep. Alfieri** was **Absent/Excused**.

ROLL CALL VOTE ON ORIGINAL MOTION: **Chairman Skaug** requested a roll call vote. **Motion carried by a vote of 10 AYE, 4 NAY, and 1 Absent/Excused. Voting in favor** of the motion: **Reps. Scott, Ehardt, Erickson, Handy, Hawkins, Hill, Hostetler, Pohanka, Shirts, Skaug. Voting in opposition** to the motion: **Reps. Garner, Gannon, Carlson, Rubel. Rep. Alfieri** was **Absent/Excused. Rep. Skaug** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 4:12pm.

Representative Skaug
Chair

Nancy Conrad
Secretary