MINUTES

SENATE JUDICIARY & RULES COMMITTEE

DATE:	Wednesday, March 05, 2025
TIME:	1:30 P.M.
PLACE:	Room WW54
MEMBERS PRESENT:	Chairman Lakey, Vice Chairman Shippy, Senators Foreman, Lent, Lenney, Keyser, and Wintrow
ABSENT/ EXCUSED:	Senators Ricks and Ruchti
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 32466	**Relating to Short Term Rentals to Protect Property Owners by Allowing Local Governments to Regulate Short-term Rentals only in Cases Where it was in the Interest of Public Health and Safety. Senator Foreman** introduced **RS 32466** and stated the legislation involved short-term rentals and the interaction between property owners, managers, and local government.
DISCUSSION:	**Senator Lenney** moved to send **RS 32466** to print. **Senator Keyser** seconded the motion. The motion carried by **voice vote. Senator Wintrow** voted nay.
PASSED THE GAVEL:	Chairman Lakey passed the gavel to Vice Chairman Shippy.
H 187	**PROBATION AND PAROLE - Amends and adds to existing law to establish provisions regarding advisement to certain probationers and parolees regarding conditions of probation or parole. Senator Lakey** stated the legislation focused on an individual convicted of a felony who was placed on probation or parole, and it prioritized public safety and officer accountability. **Senator Lakey** emphasized the need for compliance with probation or parole terms as a privilege, not a right, and aimed to fill gaps in oversight without additional cost. He went on to say the legislation established consistency and allowed both probation, parole, and peace officers to conduct searches of an individual on probation or parole. It streamlined the process and reduced delays that could increase risk to officers. This enactment would help protect the community and promoted accountability that allowed officers to act fast if a violation occurred. **Senator Lakey** stated the law offered a tool to ensure compliance and to provide more information to parole officers, while the decision to pursue parole violations remained with the parole officer and ultimately the court. Overall, the bill enhanced safety and encouraged compliance as a deterrent.
DISCUSSION:	**Senator Wintrow** asked if the police were allowed to arrest someone on probation or parole if they witnessed an event or had probable cause to believe a violation occurred. **Senator Lakey** responded and said the Supreme Court ruled that an arrest without a warrant was only allowed for a misdemeanor committed in an officer's presence and without this, an arrest wasn't permitted.

TESTIMONY: **Michael Law,** a resident of Kuna, testified in opposition to the bill. **Mr. Law** stated that the foundation of the republic was inalienable rights, as outlined in the Declaration of Independence, and that government had no authority to alienate those rights. Parolees, when released, automatically lose several rights, including some from the First through Sixth Amendments. **Mr. Law** went on to say the waiver they must sign, particularly the Fourth Amendment waiver, was described as a "false choice," likened to coercion, since they must sign it or remain in prison. The bill allowed searches and seizures of personal property, including homes and vehicles, with or without cause, violating both Fourth and Fifth Amendment rights. **Mr. Law** felt there were no punishments for law enforcement or parole officers if they used this authority for intimidation.

DISCUSSION: **Senator Foreman** commented as a former law enforcement officer he agreed with the concerns raised and emphasized the importance of treading carefully on constitutional issues, erring on the side of constitutional law when in doubt. **Senator Foreman** stated the bill aimed to extend the same authority probation and parole officers already had to peace officers to improve safety and practicality. He shared an example of having to wait hours for a parole officer during late-night detentions, which posed risk. **Senator Foreman** reassured that Idaho law enforcement officers maintain integrity, quickly removing any "bad apples" in the case of the abuse of constitutional rights. He expressed the bill's intent was to enhance safety by granting officers similar power to probation and parole officers. **Mr. Law** shared a personal example about their son, who was soon to be released and would stay in their home. He expressed concern that allowing law enforcement to search without cause, day or night, would violate their own Second and Fourth Amendment rights, as it applied to the entire property, not just their son's room.

TESTIMONY: **Rex Ingram**, President of Idaho Chiefs of Police Association, testified in support of the bill. **Chief Ingram** expressed strong support for **H 187**, which aimed to grant all Idaho peace officers the same authority as parole and probation officers when dealing with convicted felons. **H 187** was seen as essential for the enhancement of law enforcement capabilities amid staffing shortages and complex conditions. **Chief Ingram** highlighted the importance of the Fourth Amendment but noted the need for swift action in urgent situations and emphasized that the bill included safeguards for accountability while allowing officers to act effectively. **Chief Ingram** stated chiefs, sheriffs, and prosecutors all united in support of this legislation to better protect communities and uphold constitutional rights.

DISCUSSION: **Senator Wintrow** questioned the urgency behind the advocacy for new measures and asked why the changes were necessary when crime rates were already on a decline. **Chief Ingram** emphasized his responsibility to evaluate crime on a regular basis and acknowledged Idaho as one of the safest states, praising the work of officers but despite the State's declining crime rate, the growth in population and offenders that had relocated to areas with fewer law enforcement resources presented ongoing challenges. **Chief Ingram** explained that 60-80% of violent crime in Idaho was committed by repeat offenders on parole or probation. **Senator Wintrow** asked about the distinction between stopping a person on parole versus probation from the perspective of law enforcement. **Chief Ingram** explained that both parolees and probationers were convicted felons, restricted from activities such as the ownership of firearms and voting. He stated while probation could be more sensitive based on the offense, probationers still commit many crimes, such as retail thefts and property crimes. **Chief Ingram** emphasized that this had been ongoing in Idaho, with previous Fourth Amendment waivers that lead to disparity and inequality. **H 187** created a new system that streamlined the process, created consistency and efficiency, and allowed officers to enforce the law without extending stops that were unnecessary.

Senator Wintrow questioned how law enforcement would ensure that individuals were not being harassed and how accountability would be measured in those cases. **Chief Ingram** stated all actions by law enforcement were recorded, and officers were sworn to uphold constitutional rights. He explained further that if officers were found harassing individuals, they faced job loss, court penalties, and FBI investigations for civil rights violations. **Chief Ingram** assured that there were no sustained harassment cases in the 27 states with similar laws and shared their experience in parole and probation oversight, stating that officers did not raid homes without cause, and compliance was sought with respect.

Senator Foreman asked what the impact would be to parole officers. **Chief Ingram** stated he believed the bill would help reduce the workload for parole officers, who manage 15 to 30 parolees each and law enforcement officers could assist by reporting parolee compliance which could reduce the need for frequent parole officer check-ins. **Chief Ingram** saw this as beneficial for both the community and the Idaho Department of Corrections.

Senator Lenney asked if Chief Ingram was aware of any law enforcement that was against this legislation. **Chief Ingram** stated he did not know a single police officer who opposed the bill.

Senator Wintrow asked if the Idaho Department of Corrections had a stance on the legislation due to there not being any representation at the meeting. **Chief Ingram** stated he had been in constant communication with the Director who also did not oppose the legislation.

TESTIMONY:

Mike Muraleigh, Legislative Chair for the Fraternal Order of Police for the State of Idaho, spoke in support of **H 187**. **Mr Muraleigh** stated the Fourth Amendment waiver acted as an accountability tool for probation and parole officers, and served as an effective deterrent to illegal behavior. **Mr. Muraleigh** stated that if a parolee knew they could be searched at any time by law enforcement, it helped prevent the parolee from failing. **Mr Muraleigh** stated the bill saved the State money, shortened detention time, and improved officer safety. The current system was broken, as law enforcement faced conflicted rules and judicial orders about searches.

Louis Sargent, representing himself, spoke in favor of the bill. **Cpl. Sargent**, a corporal for the Caldwell Police Department Operation Safe Streets, stated with his vast years of experience in law enforcement having worked with different agencies, he witnessed offenders who often returned to criminal behavior. He highlighted the need for proactive enforcement. **Cpl. Sargent** stated the proposed law would allow all law enforcement officers to intervene earlier with convicted felons, enhance community safety, and ease the burden on probation officers. The effort of **H 187** aimed not to create unnecessary searches, but to help keep guns out of the hands of criminals, drugs away from youth, and uphold the law enforcement oath to protect Idaho.

DISCUSSION:

Senator Wintrow asked if a police officer on call saw a crime, was the officer able to intervene at that point and arrest the person or hold the person accountable for the action witnessed. **Cpl. Sargent** responded as a police officer, if a misdemeanor crime was committed in the officer's presence, they could take enforcement action. He added the individual's probation or parole status did not affect the ability to intervene, as the crime was committed in the officer's presence. **Cpl. Sargent** stated the bill wasn't a complete solution to all problems. Staffing issues across the country remained a huge burden, but the legislation was another tool at their disposal.

TESTIMONY: **Sheriff Andy Creech**, Idaho Sheriff's Association, testified in favor of the bill. **Sheriff Creech** stated the bill allowed law enforcement to support probation and parole by collaborating on compliance checks and searches as needed. The intention wasn't to overstep or harass individuals but to assist in the reintegration of probationers and parolees into society. **Sheriff Creech** also stated both probation, parole, and law enforcement faced staffing shortages, so this bill facilitated cooperation. The legislation helped smaller counties where working together was essential to addressing crime.

Robby Bleazard, Idaho Prosecuting Attorneys Association, testified in favor of **H 187. Mr. Bleazard** stated Idaho prosecutors supported the legislation, which strengthened community safety, promoted accountability, and safeguarded individual rights. **Mr. Bleazard** emphasized that probation and parole agreements were between the court or parole board and the individuals governed by the terms of the agreement. **H 187** provided a clear, uniform statement of the rights of probationers and parolees and followed judicial precedent, with the Supreme Court upholding that informed and voluntary waivers of certain rights were lawful. **Mr. Bleazard** stated prosecutors saw this as a balanced way to enhance safety and accountability while upholding constitutional rights.

DISCUSSION: **Senator Wintrow** questioned the difference between probation and parole. **Mr. Bleazard** explained that the main difference between probation and parole was that probation was an agreement with the court, while parole was an agreement with the parole board. Although this seemed like a simple distinction, it mattered because the terms and conditions were shaped by the court or parole board, which could vary. **Mr. Bleazard** stated this legislation aimed to create uniformity and streamline those conditions. **Senator Wintrow** questioned the potential impact of the legislation on the public defense system in regard to staffing and case management. **Mr. Bleazard** believed the legislation wouldn't differ much from current practices but could reduce the burden. He stated clearer, more straightforward terms might lessen the need for additional litigation or motion practices that would ease the workload.

TESTIMONY: **Dallas Palmer,** Chief of Police for the McCall Police Department, supported **H 187. Chief Palmer** expressed support of the bill.

DISCUSSION: **Senator Wintrow** expressed concern about the conditions under which someone could waive their rights. She felt more comfortable with finding a balance, possibly by working with pardons and parole, offering additional supervision on weekends, or expediting help for those struggling, rather than relying on searches and seizures.

MOTION: **Senator Foreman** moved to send **H 187** to the floor with a **do pass** recommendation. **Senator Keyser** seconded the motion. The motion carried by **voice vote. Senator Wintrow** voted nay.

PASSED THE GAVEL: Vice Chairman Shippy passed the gavel to Chairman Lakey.

H 46 **RUNAWAYS - Amends existing law to revise an exemption for certain violations for licensed children's residential care facilities, registered children's institutions, and behavioral health youth crisis centers that provide emergency runaway services. Representative Price** stated the legislation passed last year aimed to prevent care facilities, institutions, and crisis centers from breaking the law to provide shelter to runaway children. **Representative Price** highlighted the three conditions: the child must consent, the parent or legal guardian must be contacted, and the sheriff's office must be notified. **Representative Price** requested the removal of the first condition and to leave the other two provisions intact to ensure compliance with the law. **Representative Price** went on to say she

spoke to the bill's sponsor, and agreed the change would not affect the intent of the original legislation.

DISCUSSION: **Senator Wintrow** asked for clarification on removal of the first condition. She questioned if the other two provisions would cover the requirement. **Representative Price** stated having the condition did not affect how the service was provided. Centers could still take in children without impacting how the children were handled or accepted. Centers were only breaking the law if they failed to contact the parent or did not notify the police. She added the change reflected by the legislation focused solely to provide shelter to runaway children and did not affect how they were handled within the center.

TESTIMONY: **Brittney Shipley,** representing herself, spoke in opposition of the bill. **Ms. Shipley** expressed the changes in this legislation could harm Idaho's most vulnerable youth who were children shaped by trauma, abuse, or trafficking, who face behavioral health challenges and lacked support services. **Ms. Shipley** went on to say Idaho Code §39-9102 outlined a crisis center's role which prevented unnecessary incarceration or hospitalization, and the centers offered a temporary service, not housing for runaways or fugitives. **H 46** eliminated a child's ability to seek refuge at a crisis center. If parental notification was required, it endangered children abused by their guardian and prevented immediate help and created barriers for safety. It forced children to seek help from those who harmed them.

DISCUSSION: **Senator Wintrow** asked if a child showed up at the crisis center and staff were required to provide care, would striking this provision inhibit that care by creating barriers to shelter and support. **Ms. Shipley** stated the current practice was that, due to fears of other laws, risks were not being taken. Parents were being contacted, and both steps—contacting the parent and law enforcement if needed—were being followed. This was done to ensure that youth crisis centers could continue supporting vulnerable youth without risking their operations. **Senator Wintrow** asked if the two things were happening why would one still be needed. **Ms. Shipley** stated by allowing youth to self-refer to crisis centers that child could seek help directly or be referred by a friend, especially in cases such as a suicide threat or abuse. **Ms. Shipley** stated by requiring parental consent an abusive parent might not consent to the child receiving help. While mandatory reporting existed, especially since crisis centers often operate during late hours, that could leave vulnerable children unprotected.

Representative Price concluded with a reminder that the provisions were put in place to prevent centers from violating laws on sheltering runaways, not to affect the services provided to the children.

Senator Wintrow commented in 2024 this provision was added after much discussion about helping runaways in difficult situations. **Senator Wintrow** stated she was uncertain about the potential harm of removing it, she would vote against it.

Chairman Lakey commented the legislation removed one requirement to avoid violation while it kept two and three, which required an attempt to contact the parent or, if the child refused, contacted law enforcement as a safeguard against harm or danger.

Vice Chairman Shippy asked if they originally had to fulfill all three requirements, by striking this one, would they only need to fulfill the remaining two requirements. **Chairman Lakey** stated, yes.

MOTION: **Senator Lenney** moved to send **H 46** to the floor with a **do pass** recommendation. **Senator Keyser** seconded the motion. The motion carried by **voice vote. Senator Wintrow** voted nay.

S 1139 **PEACE OFFICER STANDARDS AND TRAINING COUNCIL - Amends existing law to provide for the rejection of certain applicants due to certain criminal histories. Chris Goetz,** Clearwater County Sheriff stated currently in Idaho, anyone convicted of a felony, regardless of dismissal, expungement, or pardon, could not be certified as a peace officer. **S1139** distinguished between felony classes. A serious felony such as rape and murder would disqualify certification, but for other felonies, like grand theft, agency heads could assess the case and the Idaho Peace Officer Standards and Training (POST) Council could review it under specific criteria, such as the nature of the crime and the passage of time.

DISCUSSION: **Senator Wintrow** asked if this added permissive language that allowed the council to assess the facts of each situation and decide whether to grant certification. **Sheriff Goetz** said yes.

MOTION: **Senator Foreman** moved to send **S 1139** to the floor with a **do pass** recommendation. **Senator Wintrow** seconded the motion. The motion carried by **voice vote.**

H 87 **FUNERAL PLANS - Amends existing law to revise provisions regarding disposition of remains in prearranged funeral plans. Senator Shippy** stated the issue arose when a guardian's legal authority ended upon the individual's death, which left a mortician without someone to make a decision about the remains. **H 87** allowed the guardian at the time of death to continue making burial preparations and simplified the process for morticians. **Senator Shippy** stated this legislation removed old language and added new provisions to address this.

MOTION: **Senator Wintrow** moved to send **H 87** to the floor with a **do pass** recommendation. **Senator Keyser** seconded the motion. The motion carried by **voice vote.**

ADJOURNED: There being no further business to come before the Committee, **Chairman Lakey** adjourned the meeting at 3:00 p.m.

_____
Senator Lakey
Chair

_____
Sharon Pennington
Secretary

_____
Alicia Fowler-Rynerson
Asst. Secretary