MINUTES

SENATE JUDICIARY & RULES COMMITTEE

DATE:	Wednesday, March 19, 2025
TIME:	1:00 P.M.
PLACE:	Room WW54
MEMBERS PRESENT:	Chairman Lakey, Vice Chairman Shippy, Senators Ricks, Foreman, Lenney, Keyser, Wintrow, and Ruchti
ABSENT/ EXCUSED:	Senator Lent
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 Senate Judiciary and Rules Committee (Committee) to order at 1:00 p.m.
MINUTES APPROVAL:	**Vice Chairman Shippy** moved to approve the minutes from February 24, 2025. **Senator Ruchti** seconded the motion. The motion carried by **voice vote.**
RS 32668C2	**RELATING TO THE USE OF AUTOMATED LICENSE PLATE READERS relative to Official Law Enforcement Activities. Senator Okuniewicz** explained the first section outlined what license plate readers could be used for. The second portion outlined that front license plates would not be required on a vehicle that lacked a front bracket.
NOTE:	**Chairman Lakey** noted that this would be printed in his committee then returned to Senate Transportation Committee.
MOTION:	**Senator Ricks** moved to send **RS 32668C2** to print. **Vice Chairman Shippy** seconded the motion. The motion carried by **voice vote.**
RS 32513C1	**RELATING TO THE IDAHO CONSERVATORSHIP/GUARDIANSHIP PROBATE CODE by adding protections for those involved in the process and providing clarity where needed. Senator Ruchti** explained that this bill had been worked on for five years by multiple groups, including national groups, to ensure everyone's concerns were met and that there would be national uniformity with the conservatorship/guardianship issue. The goal was to print the bill, so the Committee members understood the bill, but not have a full hearing this session.
DISCUSSION:	**Chairman Lakey** commended Senator Ruchti for taking this issue on for so long and planned to bring it early next session.
MOTION:	**Senator Lenney** moved to send **RS 32513C1** to print. **Senator Wintrow** seconded the motion. The motion carried by **voice vote.**
RS 32692	**RELATING TO EXPANDING NEWBORN SCREENING EXEMPTIONS. Senator Blaylock** explained the RS was a trailer bill to **S 1014**, which dealt with newborn screenings. The RS expanded what exemptions were available.
MOTION:	**Senator Ricks** moved to send **RS 32692** to print. **Senator Lenney** seconded the motion. The motion carried by **voice vote.**
PASSED THE GAVEL:	Chairman Lakey passed the gavel to Vice Chairman Shippy.

RS 32693 **RELATING TO STATE PUBLIC DEFENSE. Chairman Lakey** explained the RS included language of development and implementation of a plan for the use of county facilities, which would be implemented over the next two years. **RS 32693** also clarified public defender cases, expenses of the cases, and criteria of workload and standards.

MOTION: **Senator Ricks** moved to send **RS 32693** to print. **Senator Keyser** seconded the motion. The motion carried by **voice vote.**

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

H 321 **PROPERTY RIGHTS – Adds to existing law to establish provisions regarding a limited alternative remedy to remove unauthorized persons from residential real property, to provide for the crime of making false statements to detain real property, and to provide for the crime of fraudulent sale of lease of residential real property. Senator Keyser** presented the bill, which would allow the removal of persons from residential real property by the lawful owner when specific conditions were met. The bill would not include someone who was lawfully on the property, such as through a contract or prior authorization. **Senator Keyser** noted that if there was a mistake, then the person who was removed could bring a civil case against the property owner.

DISCUSSION: **Senator Wintrow** inquired about the background of the bill and asked for an example. **Senator Keyser** explained that a couple years ago a woman refused to leave someone's property and no one was authorized to remove her. He clarified that this could not happen to a family member, it would have to be a stranger to the property owner.

MOTION: **Senator Ruchti** moved to send **H 321** to the floor with a **do pass** recommendation. **Vice Chairman Shippy** seconded the motion.

DISCUSSION: **Chairman Lakey** noted that there had been a couple of examples in his district of people refusing to leave properties and law enforcement had a hard time legally removing them.

VOTE: The motion carried by **voice vote.**

H 380 **LEWD CONDUCT – Amends and adds to existing law to establish provisions regarding the crime of aggravated lewd conduct with a minor child under sixteen, to establish provisions regarding the crime of aggravated lewd conduct with a minor child twelve or under, and to provide a punishment for the crime of aggravated lewd conduct with a minor child twelve or under. Representative Skaug** explained that **H 380** created new crimes of aggravated lewd conduct. First, the bill added a mandatory minimum sentence of 25 years in prison for aggravated lewd conduct with a minor, aged 13 to 16 if two aggravating factors were involved. Second, **H 380** added a new offense of aggravated lewd conduct with a minor aged 12 or younger. This carried a minimum sentence of 30 years and the possibility of the death penalty if three of the aggravating factors were involved. **Representative Skaug** noted that other states passed similar legislation, and Idaho had some of the most lenient punishments for these crimes.

TESTIMONY: **Daniel Murphy**, representing himself, testified in support of **H 380**. He spoke of prior cases in which minors faced sexual exploitation and why offenders deserve the death penalty.

David Martinez, Idaho Association of Criminal Defense Lawyers, testified against **H 380**. He argued too many cases would qualify for the penalty under the requirement that **H 380** did not punish the worst offenders.

DISCUSSION: **Senator Wintrow** asked Mr. Martinez what focusing on the worst offenders would entail. **Mr. Martinez** said all lewd or lascivious crimes (L&L) would fall under this new statute. **Senator Wintrow** inquired if limiting the factors of proof for the statute would help, and how it would impact underreporting of crimes. **Mr. Martinez** stated that underreporting had been a prevalent issue with this type of crime, therefore, family members or others could encourage victims to not report due to the severity of the punishment in **H 380.**

Senator Ruchti asked about the fiscal impact. **Mr. Martinez** said millions of dollars per case, these trials would take at least a year to get on the schedule. **Senator Ruchti** asked what the shift in the plea deal process could create. **Mr. Martinez** said the State wanted to archive pleas often, but there was not more leniency in these types of cases.

TESTIMONY: **Robert Gillis**, Idaho Tough on Crime, testified in support of **H 380.** He argued that the death penalty, even with a long wait, was a deterrent for these crimes.

DISCUSSION: **Senator Ruchti** asked to investigate the question of deterrence further. **Mr. Gillis** responded that enhanced penalties could possibly prevent cases, and that this was a step in the right direction.

TESTIMONY: **Holly Rebholtz**, Deputy Prosecuting Attorney, Idaho Prosecuting Attorneys Association, testified in support of **H 380.** She stated that there would not be over capture and aggravated L&L crimes would not be charged often based on the requirements of **H 380.** She shared that the prosecutors believed the most serious crimes against children deserved a serious punishment.

DISCUSSION: **Senator Ruchti** asked if public defenders or the Association of Criminal Defense Attorneys were included when language for the bill was crafted. **Ms. Rebholtz** replied no and shared that the first draft of **H 380** concerned some, so prosecutors from around the State gathered to offer solutions. **Senator Ruchti** stated their exclusion seemed odd. **Ms. Rebholtz** shared that the prosecutors did not come up with it on their own, and they looked at other state's statutes like Tennessee and Florida.

Senator Wintrow asked what were the aggravating factors that could be most used. **Ms. Rebholtz** replied that the 13-15 year old age group required two aggravators present. **Senator Wintrow** asked how a prosecutor would approach a life sentence versus death penalty. **Ms. Rebholtz** responded that police investigated, and the prosecutors charged, citing the 3 aggravators required for the death penalty.

Chairman Lakey asked Ms. Rebholtz if there was a way to determine how many people could be charged with this penalty in the future and if counties would still have the Capital Defense Fund. **Ms. Rebholtz** replied that determining the number of cases would be difficult to estimate but would not be often—it would be reserved for the worst offenses. She believed the Capital Defense Fund was still in operation. **Vice Chairman Shippy,** cited a study from the Journal of Child Sex Abuse, asked Ms. Rebholtz to expand on the notion that if penalties were stiffer, it could cause family members to not report. **Ms. Rebholtz** believed that **H 380** would have no impact on reporting, but that reporting in nature was difficult. She said that the certainty of a penalty would empower victims.

MOTION: **Senator Keyser** moved to send **H 380** to the floor with a **do pass** recommendation. **Vice Chairman Shippy** seconded the motion.

DISCUSSION: **Senator Keyser** urged the Committee to vote aye as this would send a message to sex offenders.

Senator Foreman stated that these crimes were horrible, but he struggled with the idea that these offenders "deserved" the penalty. He did not support the bill or motion because it was the death penalty, putting society on a path of equating revenge with justice.

Senator Lenney argued in favor of the motion and shared the verse Romans 13:4. He finished by stating that this was a step in the right direction.

Senator Ricks said he would support the motion because the legislation indicated that there must be multiple offenses occurring on multiple occasions.

Senator Wintrow shared she read the part of the legislation Senator Ricks referenced as one of the factors to be chosen from, not the main requirement. She stated this was difficult because they were horrible cases, but questioned the State's role in the death penalty. She felt uncomfortable with the list of aggravating factors and wondered why three were selected when it could have been four or five. **Senator Wintrow** read from three factors: No. 6) use of force, No. 9) the crime involved more than one victim, and No. 11) the victim contracted a sexually transmitted disease. If three things from the list were circled, the death penalty could be sought. The process seemed questionable, and she was against the motion.

Vice Chairman Shippy said he was in favor of **H 380.** He stated the death penalty deterred crimes and this Legislation would send a good message.

Chairman Lakey concluded by saying that the death penalty existed in Idaho for egregious crimes, and the cases **H 380** covered were the worst offenses.

VOTE: The motion carried by **voice vote**. **Senator Wintrow** and **Senator Foreman** voted nay.

ADJOURNMENT: There being no further business at this time, **Chairman Lakey** adjourned the Committee meeting at 2:20 p.m.

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Senator Lakey
Chair

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Sharon Pennington
Secretary

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Allison Boden
Assistant Secretary