

AGENDA
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Thursday, January 09, 2025

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew42/>

SUBJECT	DESCRIPTION	PRESENTER
	Organizational Meeting	
RS 31861	State Board of Education, threat assessment	Rep. Erickson
RS 31834	Attorney General, elected city officers	Rep. Skaug Rep. Bruce
RS 31835	Marijuana, mandatory minimum fine	Rep. Skaug Rep. Redman

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Skaug	Rep Garner	Rep Pohanka
Vice Chairman Alfieri	Rep Handy	Rep Shirts
Rep Scott	Rep Hawkins	Rep Gannon
Rep Ehardt	Rep Hill	Rep Mathias
Rep Erickson	Rep Hostettler	Rep Rubel

COMMITTEE SECRETARY

Nancy Conrad
Room: EW56
Phone: 332-1127
Email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Thursday, January 09, 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, Rubel
**ABSENT/
EXCUSED:** Representative Gannon
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 1:36pm.
RS 31861: **Rep. Erickson** presented **RS 31861** regarding the Idaho State Board of Education goal of preventing targeted violence through use of behavioral threat assessment teams.
Committee inquired regarding the assessment process, school district implementation, liability and litigation, proof of negligence, profiling clarity, fiscal impact of training, and the priority of saving lives.
MOTION: **Rep. Scott** made a motion to introduce **RS 31861. Motion carried by voice vote.**
Chairman Skaug turned the gavel over to **Vice Chairman Alfieri.**
RS 31834: **Chairman Skaug** presented **RS 31834** regarding expansion of the Attorney General's prosecutorial jurisdiction to include elected city officials.
MOTION: **Rep. Handy** made a motion to introduce **RS 31834. Motion carried by voice vote.**
RS 31835: **Chairman Skaug** presented **RS 31835** regarding amending current statute by the addition of a mandatory minimum fine for first time convictions of marijuana possession of three ounces, or less, of net weight. The minimum fine would not apply to juveniles.
Committee inquired regarding the origin of the language "not less than", and requested clarification of the exemption for juveniles.
MOTION: **Rep. Garner** made a motion to introduce **RS 31835. Motion carried by voice vote.**
Vice Chairman Alfieri turned the gavel over to **Chairman Skaug.**
ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:00pm.

Representative Skaug
Chair

Nancy Conrad
Secretary

AMENDED AGENDA #1
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Monday, January 13, 2025

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew42/>

SUBJECT	DESCRIPTION	PRESENTER
RS 31808	Administrative procedure, contested cases	Rep. Bruce Bryan Nickels, Office of Administrative Hearings

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Skaug	Rep Garner	Rep Pohanka
Vice Chairman Alfieri	Rep Handy	Rep Shirts
Rep Scott	Rep Hawkins	Rep Gannon
Rep Ehardt	Rep Hill	Rep Mathias
Rep Erickson	Rep Hostetler	Rep Rubel

COMMITTEE SECRETARY

Nancy Conrad
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Email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Monday, January 13, 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, Rubel
**ABSENT/
EXCUSED:** Representative Ehardt
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 1:29pm.
MOTION: **Rep. Mathias** made a motion to approve the January 9, 2025 meeting minutes. **Motion carried by voice vote.**
RS 31808: **Rep. Bruce** presented **RS 31808** to make Idaho-specific updates to the current act regarding administrative procedure.
MOTION: **Rep. Alfieri** made a motion to introduce **RS 31808**. **Motion carried by voice vote.**
ADJOURN: There being no further business to come before the committee, the meeting adjourned at 1:32pm.

Representative Skaug
Chair

Nancy Conrad
Secretary

AMENDED AGENDA #1
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Wednesday, January 15, 2025

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew42/>

SUBJECT	DESCRIPTION	PRESENTER
<u>RS 31797</u>	Fingerprinting services	Rep. Pohanka Lt. Col. Russ Wheatley, Idaho State Police
<u>H 6</u>	City and county officers	Rep. Skaug Rep. Bruce
<u>H 7</u>	Marijuana possession, fine amount	Rep. Skaug Rep. Redman

PERSONS UNDER THE AGE OF 18
WHO WANT TO TESTIFY MUST HAVE A
PARENT/GUARDIAN PRESENT OR PROVIDE
A COMPLETED PARENTAL PERMISSION
SLIP.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Register to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Skaug Rep Garner
Vice Chairman Alfieri Rep Handy
Rep Scott Rep Hawkins
Rep Ehardt Rep Hill
Rep Erickson Rep Hostetler

COMMITTEE SECRETARY

Nancy Conrad
Room: EW56
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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

AMENDED AGENDA #1
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Tuesday, January 21, 2025

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew42/>

SUBJECT	DESCRIPTION	PRESENTER
<u>RS 31793</u>	Contested cases, subpoenas	Rep. Skaug Bryan Nickels, Office of Administrative Hearings
<u>RS 31942</u>	Methods of execution	Rep. Skaug Sen. Ricks

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Skaug

Vice Chairman Alfieri

Rep Scott

Rep Ehardt

Rep Erickson

Rep Garner

Rep Handy

Rep Hawkins

Rep Hill

Rep Hostetler

Rep Pohanka

Rep Shirts

Rep Gannon

Rep Mathias (Carlson)

Rep Rubel

COMMITTEE SECRETARY

Nancy Conrad

Room: EW56

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MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, January 21, 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, Rubel
**ABSENT/
EXCUSED:** Representatives Scott, Hill, Rubel
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.
Vice Chairman Alfieri called the meeting to order at 1:30pm.
MOTION: **Rep. Hostetler** made a motion to approve the January 13, 2025 and January 15, 2025 meeting minutes. **Motion carried by voice vote.**
RS 31793: **Chairman Skaug** presented **RS 31793** regarding parameters for the requests, issuance, service, and enforcement of subpoenas for administrative contested cases.
MOTION: **Rep. Mathias** made a motion to introduce **RS 31793**. **Motion carried by voice vote.**
RS 31942: **Chairman Skaug** presented **RS 31942** regarding use of firing squad as the primary enforcement mechanism to administrate the death penalty.
Committee requested information for hearing regarding examples from other states using firing squad method, and the number of executions by firing squad over the last forty years.
MOTION: **Rep. Ehardt** made a motion to introduce **RS 31942**. **Motion carried by voice vote.**
ADJOURN: There being no further business to come before the committee, the meeting adjourned at 1:37pm.

Representative Alfieri
Vice Chair

Nancy Conrad
Secretary

AGENDA
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Thursday, January 23, 2025

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ew42/>

SUBJECT	DESCRIPTION	PRESENTER
RS 31871	Runaway services, facilities	Rep. Price
RS 31951	Birth records	Rep. Ehardt Rep. Erickson
RS 31952	Firearm instruction	Rep. Shepherd
RS 31994	Safety and privacy	Rep. Ehardt

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Skaug

Vice Chairman Alfieri

Rep Scott

Rep Ehardt

Rep Erickson

Rep Garner

Rep Handy

Rep Hawkins

Rep Hill

Rep Hostetler

Rep Pohanka

Rep Shirts

Rep Gannon

Rep Mathias

Rep Rubel

COMMITTEE SECRETARY

Nancy Conrad

Room: EW56

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Email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Thursday, January 23, 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, Rubel

**ABSENT/
EXCUSED:** None

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 1:29pm.

MOTION: **Rep. Hostetler** made a motion to approve the January 21, 2025 meeting minutes. **Motion carried by voice vote.**

RS 31871: **Rep. Price** presented **RS 31871** regarding elimination of provision for minor consent of services in cases of runaways.

MOTION: **Rep. Alfieri** made a motion to introduce **RS 31871**.
Committee inquired regarding implications of legislation for abused children.

**VOTE ON
MOTION:** **Motion carried by voice vote.**

RS 31951: **Rep. Ehardt** presented **RS 31951** regarding making birth records available to adoptees who were adopted prior to July 1, 2022 once they reach 18 years of age.
Committee inquired regarding discrepancy of dates in language, and privacy concerns of biological parents.

MOTION: **Rep. Scott** made a motion to introduce **RS 31951**. **Motion carried by voice vote.**

RS 31952: **Rep. Shepherd** presented **RS 31952** regarding retired law enforcement officers maintaining the ability to instruct in firearms training after retirement.

MOTION: **Rep. Erickson** made a motion to introduce **RS 31952**. **Motion carried by voice vote.**

RS 31994: **Rep. Ehardt** presented **RS 31994** regarding preserving privacy, order, and dignity in women's restrooms, changing rooms, and sleeping quarters.
Committee inquired regarding attorneys fees for litigating parties, and language clarification.

MOTION: **Rep. Hill** made a motion to introduce **RS 31994**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 1:53pm.

Representative Skaug
Chair

Nancy Conrad
Secretary