

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Monday, January 19, 2026

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lakey, Vice Chairman Shippy, Senators Foreman, Lent, Lenney, Keyser, Wintrow, and Ruchti

ABSENT/ EXCUSED: Ricks

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 1:31 p.m.

WELCOME: **Chairman Lakey** welcomed the Committee, and had the new Pages Emmy Roberts and Cooper Smith introduce themselves.

INTRODUCTION: **Emmy Roberts** stated she was from Lewiston, Idaho, was enrolled at Lewis and Clark State College, and had an interest in track and field.

DISCUSSION: **Chairman Lakey** asked her why she was interested in serving as a Senate Page.

Ms. Roberts stated she first learned about the Page program approximately three years earlier through a homeschool-friendly government program at the Capitol called Capstone. After her brother participated in the program in 2025, she decided to apply.

INTRODUCTION: **Cooper Smith** stated he was from Nampa and was a senior in high school. He enjoyed traveling, staying in shape through weight training and sports, and had recently moved from Europe, where he visited numerous countries. His extensive travel sparked an interest in politics. He learned about the program through his friends who helped him complete the application process.

GUBERNATORIAL REAPPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment of Scott Smith of Star, Idaho, to the Commission of Pardons and Parole** to serve a term commencing January 1, 2026 and expiring January 1, 2029. **Scott Smith** recounted his decades of experience, including a 30-year career with the Federal Bureau of Investigation (FBI) and assignments abroad. He explained his approach to decision-making, emphasizing individualized hearings and considering each resident's conduct and readiness for release. He provided a success story about a release he deemed just, highlighting fairness as a guiding principle.

DISCUSSION: **Vice Chairman Shippy** asked what factors he weighed when deciding whether someone was ready to be released. **Mr. Smith** detailed how programming, behavior, and frank commissioner discussions guided his decisions. He also discussed his views on the Ryder program, especially regarding sex offenders, and emphasized the need for strict supervision and case-by-case assessment.

DISCUSSION: **Senator Foreman** inquired about Mr. Smith's perspective on the system, as he had been involved in it for an extended period. **Mr. Smith** responded by recommending stricter guidelines for certain offenders.

**GUBERNATORIAL
APPOINTMENT:**

Committee Consideration of the Gubernatorial Appointment of Dylan Hobson of Boise, Idaho, to the Commission of Pardons and Parole (Commission) to serve a term commencing October 16, 2025 and expiring January 1, 2027. **Dylan Hobson** described his background in public service, his initial work as a correctional officer, and subsequent experience preparing parole reports. **Mr. Hobson** described the importance of rehabilitation and long-term behavior change for public safety, as well as the workload and time commitment involved with commission service. He asserted that public safety and a diversity of perspectives were his priorities and detailed his decision-making factors, such as nature of crime, prior record, risk assessments, program participation, and input from victims.

Senator Foreman asked what role, if any, politics should play in this process. **Mr. Hobson** stated that while personal political views could shape individual perspectives, he did not approach his role from a partisan standpoint. Although he identified as a Democrat, he viewed himself as more moderate and believed that decisions should be guided primarily by public safety. He emphasized the importance of assessing whether individuals posed an acceptable risk to the community while also recognizing that people could change. He highlighted the value of community supervision and collaboration among commissioners with diverse backgrounds, which he believed contributed to balanced and well-informed decisions.

**PASSED THE
GAVEL:**

Chairman Lakey passed the gavel to Vice Chairman Shippy.

**DOCKET NO:
11-0601-2501**

Rules Governing Civil Asset Forfeiture Reporting (ZBR Chapter Rewrite) Pending Rule. **Russ Wheatley, Lt. Colonel, Chief of Staff, Idaho State Police (ISP)** stated that the proposed changes were non-substantive and focused on simplifying language and removing duplication. A public meeting was held, and no concerns or comments were received. He explained that statutory language previously incorporated into the rule was removed so the rule could stand independently while referencing the statute.

MOTION:

Senator Foreman made a motion to approve **Docket 11-0601-2501**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO:
11-1001-2501**

Rules Governing Idaho Public Safety and Security Information System (ZBR Chapter Rewrite) Pending Rule. **Russ Wheatley, Lt. Colonel, Chief of Staff, ISP** explained that Administrative Rule 11.10.01 governed the Idaho Public Safety and Security Information System (ILETS), the telecommunications network connecting Idaho law enforcement and linking to other states and the FBI's national criminal justice databases. The rule applied to all ILETS users, including local, state, federal, and tribal agencies. The ILETS Board was informed of the proposed changes and raised no objections. The requested changes were non-substantive and focused on simplifying language and removing duplication. A public hearing was held, and no concerns or comments were received.

Senator Wintrow inquired how ILETS worked. **Lt. Colonel Wheatley** turned the floor to Leila McNeil.

Leila McNeil, Bureau Chief, Criminal Identification Bureau at Idaho State Police (ISP). Ms. McNeil explained that the ILETS network, operated by ISP, served as the central hub connecting all Idaho law enforcement agencies. Authorized users accessed the system through computer-aided dispatch or ISP-provided software to run queries such as driver information during traffic stops. Requests were routed through the ISP state switch and sent to the FBI or other states as needed, with responses returned directly. She noted that ILETS currently only handled criminal justice-related information and lacked authority to store or disseminate non-criminal justice data, such as information for a vulnerable persons registry, without legislative approval.

DISCUSSION: **Chairman Lakey** asked Ms. McNeil to explain the security policies that were established and then disseminated to the participating agencies. **Ms. McNeil** explained that security policies were established through the FBI's Criminal Justice Information Services Division and its National Advisory Policy Board, which included representatives from all states and territories. As Idaho's representative, she participated in biannual meetings to develop and review security policies. Once approved by the FBI Director, these policies became mandatory for all participating states and governed access to and dissemination of criminal justice information through systems such as the Interstate Identification Index and the National Crime Information Center.

MOTION: **Senator Foreman** made a motion to approve **Docket 11-1001-2501**. **Chairman Lakey** seconded the motion. The motion carried by **voice vote**.

DOCKET NO: **11-1002-2501** **Rules Governing State Criminal History Records.** **Russ Wheatley, Lt. Colonel, Chief of Staff, ISP** spoke about **Docket 11-1002-2501**, which covered Administrative Rule 11.10.02 on state criminal history records and crime information. The proposed changes were non-substantive, aimed at simplifying language and removing duplication. A public meeting was held, and no concerns or comments were received.

MOTION: **Chairman Lakey** made a motion to approve **Docket 11-1002-2501**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

DOCKET NO: **11-1003-2501** **Rules Governing the Sex Offender Registry (ZBR Chapter Rewrite) Pending Rule.** **Russ Wheatley, Lt. Colonel, Chief of Staff, ISP** spoke about **Docket 11-1003-2501**, covering Administrative Rule 11.10.03 on the sex offender registry. The rule was updated to match current functionality. Offender photos were previously sent from sheriff's offices through the Division of Motor Vehicles (DMV) system to ISP, but a new direct transfer protocol was implemented from the sheriff's office to ISP. The administrative rule was adjusted to reflect this change. A public meeting was held, and no concerns or comments were received.

MOTION: **Chairman Lakey** made a motion to approve **Docket 11-1003-2501**. **Senator Foreman** seconded the motion. The motion carried by **voice vote**.

DOCKET NO: **62-0101-2501** **Idaho Rules of Administrative Procedure - Pending Rule.** **Bryan Nickles, Chief Administrative Law Judge, Office of Administrative Hearings,** presented **Docket 62-0101-2501**. **Mr. Nickles** stated the rules, originally promulgated in 1993 and replaced in 2024, were updated to reflect recent statutory changes from H9 and H36 both were passed in 2025, to introduce guidance on the use of artificial intelligence (AI) in contested cases, and address issues identified during the 2024 field testing. The rulemaking process included publishing an initial notice in June 2025, posting drafts online, holding five in-person hearings across the state, an eight-week written comment period, and subsequent publication of proposed and pending rules in October and

December 2025. No public concerns or comments were received, and approval of the rules was requested.

DISCUSSION:

Senator Lenney asked whether the inclusion of AI in the rules had been prompted by past usage or specific issues, or if it was intended primarily for future use, and requested a high-level overview of the reasoning. **Mr. Nickels** explained that the agency had been proactive on AI since January 2023, issuing policies for administrative law judges and requiring parties to disclose AI use. The rules reflected both past experiences—where AI had been used problematically in cases, especially given high self-representation rates—and anticipation of future developments, such as AI-generated evidence or avatars presenting cases. The rules also required agencies using AI to label AI-generated orders to ensure transparency.

Chairman Lakey asked why an AI avatar would be allowed to present a case, given that evaluating credibility, body language, and demeanor is an important part of a hearing officer's assessment. **Mr. Nickels** stated that the rules amended applied to all administrative contested cases in Idaho that didn't have their own rules, per Idaho Code 67-5206, which gave them the authority to maintain them. Even cases that they weren't directly involved in, fell under these rules. It was ultimately up to individual presiding officers, or Administrative Law Judges (ALJ), to decide what evidence to admit. For example, there was a wrongful death case in Missouri where an AI-generated avatar of the decedent presented testimony. The judge found it compelling and imposed a sentence higher than the prosecutor's recommendation. **Mr. Nickels** anticipated AI-generated evidence to appear in cases. Each case differed, and any such evidence required heavy scrutiny. Rule 485 on expert testimony was designed to set safeguards for AI-generated witness testimony. Administrative cases differed from court cases because they focused on developing the record, knowing it could be reviewed by agency directors, district judges, or the State Supreme Court. AI evidence might have been admitted solely to create a thorough record for potential future review.

Senator Foreman asked whether the agency felt it had the authority, tools, and mechanisms in place to say no to emerging AI or similar technologies when they did not fit its mission, and whether the agency felt prepared to stop or reject such developments when necessary. **Mr. Nickels** explained that they already had the authority and tools to address AI use in cases. He noted that self-represented parties sometimes relied on AI for briefs, which could produce inaccurate or "hallucinated" content, slowing proceedings. The agency could require parties to review all submissions manually and had rules to sanction misuse. The rules distinguished between honest mistakes and deliberate deception, allowing ALJs to reject or sanction improper AI-generated evidence while still developing the record. He said the rules aimed to anticipate future AI use, such as avatars, witness simulations, or automated reports, giving the agency the ability to say no when technology did not fit its processes.

MOTION:

Senator Lent made a motion to approve **Docket 62-0101-2501**. **Senator Foreman** seconded the motion. The motion carried by **voice vote**.

DISCUSSION:

Chairman Lakey said he would have voted for the motion, but noted it allowed for the use of avatars, which he believed carried too much potential for abuse. He acknowledged that the rule gave discretion to the hearing officer, but expressed concern about not knowing who those officers might be. He stated he would have preferred a policy prohibiting avatars until their use was clearly deemed appropriate, but he wanted to support the motion for the other provisions.

**PASSED THE
GAVEL:**

Vice Chairman Shippy passed the gavel back to Chairman Lakey.

ADJOURNED:

There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:51 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary