

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

- DATE:** Monday, January 26, 2026
- TIME:** 1:30 P.M.
- PLACE:** Room WW54
- MEMBERS PRESENT:** Chairman Lakey, Vice Chairman Shippy, Senators Ricks, Foreman, Lent, Lenney, Keyser, Wintrow, and Ruchti
- ABSENT/ EXCUSED:** None
- 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 1:34 p.m. He explained to the Committee that Alan Cavener would be appointed and then reappointed to the Commission of Pardons and Parole and one motion could cover both appointments.
- GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of Alan Cavener of Nampa, Idaho, to the Commission of Pardons and Parole (Commission),** to serve a term commencing April 1, 2025 and expiring January 1, 2026. **Mr. Cavener was Reappointed to the Commission of Pardons and Parole** to serve a term commencing January 1, 2026 and expiring January 1, 2029. **Mr. Cavener** introduced himself and explained he had been in law enforcement for almost 30 years. He stated he considered himself a conservative when it came to parole for people. His first concern was for the victims, and he tried to make sure the victims and their families felt they were represented even if they didn't receive the desired outcome.
- DISCUSSION:** **Chairman Lakey** asked Mr. Cavener if the workload was what he expected it to be. **Mr. Cavener** responded that the Director of Pardons and Parole, Christine Starr, gave him an accurate representation of what the work entailed. He stated that for every eight to ten hours in hearings, it required about five hours of preparation time prior to the hearings.
- Senator Wintrow** asked Mr. Cavener to share a success story. **Mr. Cavener** briefly explained an experience he had with a veteran while he was in custody. While in prison, the veteran did a lot of work for the veteran community and continued to do so after release. The man continued to help provide resources for other veterans. **Senator Wintrow** commented that she wanted the Legislature to move forward in supporting the Commission in a greater way.
- Vice Chairman Shippy** asked what motivation drove Mr. Cavener to be willing to serve on the Commission. **Mr. Cavener** said he was driven to provide a professional, fair atmosphere for people who came before the Parole Commission. He wanted everyone to be treated fairly and with dignity regardless of the crime they committed or their social status.
- Senator Ricks** questioned Mr. Cavener if there were any processes or programs that he felt were examples of success. **Mr. Cavener** mentioned the Work Release Center near St. Anthony, Idaho which had been a very effective program. The inmates had learned what a good, stable job could do for their lives. It allowed the inmates to pay their restitution and their own bills for the first time.

PRESENTATION: **Update on the State Public Defense Act. Eric Fredrickson, Idaho State Public Defender**, provided an update on the transition to the new statewide public defense system. Idaho had a long history of leadership in public defense, dating back to 1887. The Public Defense Commission was created in 2014 before the American Civil Liberties Union's lawsuit against Idaho (Tucker v. Idaho). In September 2023, the Office of the State Public Defender (OSPD) was created and Mr. Fredrickson was appointed in September of that year. **Mr. Fredrickson** and his team had many major accomplishments, including hiring more essential personnel, implementing a case-management system, and taking over Child Protection Act (CPA) cases. They made positive fiscal progress and were able to establish four new offices (Elmore, Benewah, Shoshone and Jerome). Their budget increased to \$83 million and they were able to hire 34 new attorneys, 13 legal assistants and 11 investigators due to competitive salaries (See Attachment 1.)

DISCUSSION: **Senator Wintrow** asked Mr. Fredrickson to share a success he was proud of during the transitions. **Mr. Fredrickson** responded he was extremely proud of his public defenders and how they stepped up during hard times. In response to Senator Wintrow's question relating to the Governor's budget, he stated his department was comfortable with the funding.

Senator Ricks questioned how the backlog of cases was progressing. **Mr. Fredrickson** replied they had a huge challenge with seven district public defenders covering 1,300 cases. They had caught up and conversations with the Supreme Court were positive.

Senator Ruchti added he knew there were some concerns expressed by the Judges about how the rollout was progressing. He asked what Mr. Fredrickson had done to rebuild confidence in the public defense system. **Mr. Fredrickson** explained there was extensive outreach and collaboration being done. He added that two important needs for the future were more attorneys and more social workers.

RS 32880C1 **This legislation states that no body of religious or cultural law that does not fully support and conform with the rights of citizens, as defined in the U.S. Constitution and the Constitution of the State of Idaho, may be used in any state court when deciding cases. Senator Dan Foreman** explained the legislation did not ban private religious practice. It was intended as a preemptive safeguard to ensure courts rely only on U.S./Idaho law. The bill was coordinated with the Idaho Supreme Court and Attorney General and neither had concerns. This practice existed in several other states.

DISCUSSION: **Senator Wintrow** questioned what would be accomplished with the legislation. **Senator Foreman** stated the law asked for exactly what it said. There was an existing body of law and a system of courts that worked. This bill sought to acknowledge that and not allow some other body of law to replace current laws and systems of the United States. **Vice Chairman Shippy** questioned whether this law was needed currently or if it was forward looking. **Senator Foreman** added it was preemptive in the sense that it stated the fact that there was a justice system here, it was based on a body of laws, and it should not be replaced.

Senator Ruchti voiced concern about potential conflicts with constitutional religious-freedom protections. **Senator Foreman** explained the legislation supported both the United States Constitution and the Idaho State Constitution. Both constitutions avoided imposing someone's religion on others through the court system. He felt the bill supported the concept that no religion is elevated, and none are allowed to impose their beliefs through the same system.

MOTION: **Senator Lenney** moved to send **RS 32880C1** to print. **Senator Keyser** seconded the motion. The motion carried by **voice vote**.

RS 33006C1 **This legislation modernizes Idaho law to ensure criminals do not profit from the publicity of their crimes while providing victims an opportunity to recover restitution or civil damages.** **Senator Nichols** referred to this legislation as the "Son of Sam" law modernization. She stated the legislation was written to prevent criminals from profiting from notoriety. The first important point was the legislation targets monetization, not speech. The bill updated the current law to prevent money from being made off of criminal notoriety. It closed the gaps that currently do not address modern media and monetization and ensured victims have an opportunity to recover damages, while protecting free speech and due process. As cases became more visible, there was a risk that the notoriety could be used for profit later as had happened in other states. This legislation focused solely on economic proceeds, adding explicit free speech protections and modernizing outdated procedures.

MOTION: **Vice Chairman Shippy** moved to send **RS 33006C1** to print. **Senator Foreman** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:30 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary