

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, January 28, 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 meeting of the Judiciary and Rules Committee (Committee) to order at 1:34 p.m.

GUBERNATORIAL APPOINTMENT VOTE: **Vote on the Appointment and Reappointment of Alan Cavener of Nampa, Idaho, to the Commission on Pardons and Parole to serve a term commencing January 1, 2026 and expiring January 1, 2029. The initial Appointment was served from April 1, 2025 to January 1, 2026.**

MOTION: **Senator Wintrow** moved to send the Gubernatorial appointment of Alan Cavener to the Commission on Pardons and Parole to the floor with the recommendation that he be confirmed by the Senate. **Senator Foreman** seconded the motion. The motion carried by **voice vote**.

NOTE: **Chairman Lakey** proceeded with **RS 33024** while the remote Gubernatorial appointment connection was fixed.

RS 33024 **This legislation closes a gap in Idaho law by extending existing sex offender residence restrictions to daycares that are zoned, permitted, or approved by a city or county. These changes ensure consistent protections for children without expanding licensing requirements or regulating home daycares. Senator Nichols** stated that current law prohibited registered sex offenders from establishing a residence near licensed daycares. She explained that Idaho allowed certain daycares to operate legally without a state license if they were zoned, permitted, or approved by a city or county. As a result, some legally operating daycares were not covered under existing law due to this technical distinction. **Senator Nichols** explained that **RS 33024** clarified that residency restrictions also applied to daycares zoned or permitted by local government. She noted that the bill applied only to residences established after the effective date and did not expand licensing requirements, regulate home daycares, or create new enforcement authority. She stated that the intent of the bill was to ensure consistency in the law and enhance child safety while respecting local control.

MOTION: **Senator Foreman** moved to send **RS 33024** to print. **Senator Lenney** seconded the motion. The motion carried by **voice vote**.

RS 33058

This legislation is an update of current Idaho Code sections that address guardianship and conservatorship for adults and minors. Senator Rutchi explained that the bill had been before the Committee for three years, with print hearings held during the first two years to allow time for outreach and stakeholder input. He stated that numerous groups, including the courts and advocacy organizations, had been consulted and had their concerns addressed. He expressed confidence that the legislation was ready to move forward and described it as a major reorganization of the code that added constitutional protections, improved and streamlined guardianship and conservatorship processes, and provided additional safeguards. He noted that experts and stakeholders were present to testify and answer questions.

MOTION:

Senator Foreman moved to send **RS 33058** to print. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

DISCUSSION:

Chairman Lakey briefly commented, expressing his appreciation for Senator Rutchi's work on the legislation. He noted that Committee members who had served for several years were familiar with the multi-year effort and explained that what began as an informal request for feedback evolved into Senator Rutchi taking the lead and coordinating extensively with stakeholders. He offered his thanks for the Senator's dedication and contributions.

S 1226

SAMPLE COLLECTIONS - Amends, repeals, and adds to existing law to revise provisions and requirements regarding collection of DNA samples and thumbprint impressions. Senator Wintrow presented **S 1226** and explained the purpose, background, and structure of the bill. She outlined that the legislation stemmed from a similar House bill the previous year that failed due to concerns over adding multiple misdemeanor offenses to DNA collection requirements. Drawing on her background working with victims of sexual assault and domestic violence, she stated that the current bill was narrowed to include only two misdemeanor offenses—sexual battery and domestic violence—based on their strong correlation with other violent and sexual crimes. **Senator Wintrow** explained that **S 1226** expanded DNA collection requirements to include these two misdemeanors and clarified and streamlined existing statutory processes. The bill reorganized current statute, updated legislative findings to emphasize the Legislature's intent that DNA be collected expeditiously, and addressed gaps that had resulted in approximately 30,000 qualifying individuals not having DNA collected. The bill also consolidated repetitive statutory language by defining qualifying offenses as "serious crimes," encompassing felonies, attempted felonies, sex-offense registry crimes, and the two added misdemeanors.

Senator Wintrow reviewed the statutory definition of sexual battery to clarify that it required proof of both specific conduct and intent, emphasizing that it carried a high evidentiary standard. She noted that expert testimony would be provided by individuals knowledgeable in DNA databases, criminal justice research, and victim advocacy, and that the bill was co-sponsored in the House.

She noted that provisions related to felony convictions applied retroactively, as those crimes were already subject to DNA collection, while the provisions related to misdemeanor offenses applied prospectively only. She emphasized that this clarification corrected concerns from the prior year, when misdemeanor provisions had been inadvertently retroactive. **Senator Wintrow** also described revisions to Idaho Code Section §19-5507, noting that while the changes were largely cosmetic and organizational, they reordered provisions to better reflect the chronological progression of individuals through the criminal justice system. She concluded by stating that these revisions represented the core mechanics of the bill.

TESTIMONY:

Matthew Gamette, Idaho State Police (ISP) Forensic Services Laboratory System Director, testified regarding the history, function, and security of the DNA database and Combined DNA Index System (CODIS). He explained that the national DNA database was authorized in 1994 and that Idaho enacted its DNA Database Act in 1996, initially requiring DNA collection for certain violent and sex crimes. He noted that the law had been expanded over time to include all felony convictions in 2014 and individuals required to register as sex offenders in 2017, but that the statute lacked clear direction on responsibility and best practices for DNA collection. He stated that in 2022, the laboratory identified several high-profile offenders whose DNA had not been collected despite felony convictions, prompting the agency to secure federal funding to address the backlog of lawfully required samples. He provided national and Idaho-specific statistics demonstrating CODIS's effectiveness in aiding criminal investigations and explained that Idaho's approximately 1 percent hit rate would be expected to generate investigative leads if additional samples were collected.

Mr. Gamette emphasized that CODIS served not only to identify perpetrators but also to prevent wrongful accusations and convictions. He clarified that the DNA database contained no health, appearance, or familial information, only numerical identifiers, and that the system was highly secure, non-public, and restricted to authorized criminal justice personnel. He described extensive federal safeguards, audits, and criminal penalties for misuse or unauthorized disclosure of DNA data.

TESTIMONY:

Dr. Lisa Bostaph, professor of Criminal Justice at Boise State University (BSU), testified regarding research examining the relationship between misdemeanor offenses and later violent felony crimes. She explained that she served as a research partner with the Idaho Cold Case and Advanced DNA Methods Task Force (ICCADM) and that her work focused on identifying earlier "precursor" offenses that could signal later violent offending and provide opportunities for earlier DNA collection.

Dr. Bostaph described a study of 153 individuals incarcerated in Idaho for violent felony crimes, noting that participants had extensive prior criminal histories. She reported that individuals convicted of sexually-based felonies averaged 4.7 prior convictions, while those convicted of non-sexual violent crimes against persons averaged 7.7 prior convictions. The study found distinct differences in criminal histories between the two groups. More than one-third of individuals incarcerated for sexually based offenses had prior sexual offense convictions, while nearly one-third of those incarcerated for non-sexual violent crimes had prior misdemeanor domestic violence convictions. Based on the results, she concluded that expanding DNA collection to include misdemeanor sexual battery and domestic violence offenses could help reduce the number of violent felony crimes by allowing DNA to be collected earlier in an offender's criminal history.

TESTIMONY: **Beatrice Black**, CEO of the Women's and Children's Alliance (WCA), testified in support of **S 1226**. She described her experience serving on the Idaho Sexual Assault Kit Initiative Working Group (SAKI) and the ICCADM and emphasized the importance of improving accountability and support for victims of crime. She shared data from the WCA's work in Ada County, noting the high volume of civil protection order cases and the impact on victims when felony charges were pled down to misdemeanors.

Ms. Black explained that victims often felt diminished when serious offenses were reduced and stated that DNA collection in misdemeanor sexual battery and domestic violence cases could provide accountability, assist investigations involving repeat offenders, and help prevent future harm. She cited Idaho Supreme Court data showing that numerous felony sexual offenses had been pled down to misdemeanor sexual battery, resulting in no DNA collection. She concluded that expanding DNA collection to these misdemeanor offenses could help identify serial perpetrators earlier and reduce the risk of future cold cases.

TESTIMONY: **Representative Ted Hill** expressed strong support for **S 1226**, stating concern over serious crimes being pled down to misdemeanors and the resulting loss of accountability. He noted that a significant percentage of downgraded cases involved serious offenses, which he found troubling, and explained that this concern motivated his support for narrowing the bill to focus specifically on sexual assault and related crimes. He shared a personal experience involving the abduction and rape of his sister in Boise in 1977, noting that the perpetrators were not identified at the time and that DNA technology was unavailable to close the case. He explained that the individuals were later convicted of murder and that subsequent crimes occurred after their release, reinforcing his belief that earlier DNA collection could have prevented further victimization. He also referenced later cases involving repeat offenders where DNA collection at the misdemeanor level could have made a difference.

DISCUSSION: **Vice Chairman Shippy** asked for clarification regarding the retroactive application of the bill. He noted that the misdemeanor provisions were prospective only, while the felony provisions were retroactive, and asked for an explanation of how that would work. Specifically, he inquired whether individuals with prior felony convictions, including those from many years ago, would be subject to DNA collection under the bill.

Mark Denhardt, ISP Sexual Assault Kit Initiative Team, (SAKI) responded that the felony provisions of the DNA collection law were retroactive only to the beginning of enforcement in 1997. He explained that all felonies had been eligible for DNA collection since 2013, and the bill would not apply retroactively to convictions prior to 1997.

He explained that the legislation aimed to address gaps in DNA collection. While Idaho Department of Correction (IDOC) facilities were very effective at collecting DNA and were the largest collectors in the state, individuals who followed non-traditional sentencing routes—such as probation or serving time in the county jail instead of prison—often had their DNA go uncollected.

Senator Lenney thanked Representative Hill and Senator Wintrow, noting that it was impressive to see collaboration across the political spectrum on the bill.

MOTION: **Senator Keyser** moved to send **S 1226** to the floor with a **do pass** recommendation. **Senator Foreman** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Appointment of Amy Anderson of Kamiah, Idaho, to the Commission of Pardons and Parole to serve a term commencing January 1, 2026 and expiring January 1, 2029.** Ms. Anderson stated that she had retired in May 2024 after 30 years with the Idaho Department of Corrections (IDOC). She described her career progression from Officer at South Boise Women's Correctional Center (SBWCC) to Deputy Warden of Security at Idaho Correctional Institution (ICIO), highlighting her experience in various roles over the years. She expressed pride in her career, a passion for the Department's mission, and a continued desire to serve the community. She noted that she had completed her Certified Public Manager (CPM) graduate coursework and had been one of the few security staff who served as a therapeutic community instructor. She described herself as a "big picture" thinker who understood the importance of maintaining security in corrections to provide residents a safe environment for programming. She emphasized the value of programming in preparing residents to return to the community successfully. She explained that her decisions in hearings were based on factors such as an individual's crime history, progress in programming, behavior, work habits, accountability, and the quality of their parole plan, with each decision considered on a case-by-case basis.

ADJOURNED: There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:22 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary

Melissa Price
Secretary