

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, February 04, 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 Senate Judiciary and Rules Committee (Committee) to order at 1:30 p.m.

MINUTES APPROVAL: **Vice Chairman Shippy** moved to approve the Minutes of January 19, 2026. **Senator Keyser** seconded the motion. The motion carried by **voice vote**.

JUDICIAL COUNCIL APPOINTMENT VOTE: **Vote on the appointment of Michael Kennedy of Coeur d'Alene, to the Idaho Judicial Council to serve a term commencing April 9, 2025 and expiring July 1, 2027.**

MOTION: **Vice Chairman Shippy** moved to send the appointment of **Michael Kennedy** to the floor with recommendation that he be confirmed by the Senate. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: **JFAC Presentation - Senator Grow and members of his Committee presented an Overview of the JFAC Budgeting Process, Update on the FY 26 and FY 27 Budget, and Details Specific to the Judiciary and Rules Committee.** **Senator Grow** explained that the Joint Finance-Appropriations Committee (JFAC) had jurisdiction over certain policy areas and types of legislation. He stated that, over many years, JFAC had routinely invited the chairs of germane committees to appear before the Committee to provide presentations and policy feedback. As a professional courtesy, JFAC sought to reciprocate by sharing information regarding its current work and priorities.

Janica Bisharat, Budget and Policy Analyst, Legislative Services Office (LSO) outlined major budget components, including Court Operations, Guardian ad Litem, and the Judicial Council, with specific focus on Court Operations and Guardian Ad Litem. Programs within Court Operations were identified, including the Supreme Court, District Court, Water Adjudication, Magistrate Division, Senior Judge Program, and Community-Based Substance Abuse Treatment. **Ms. Bisharat** noted that for fiscal year 2026, the Judicial Branch received a total appropriation of \$103.6 million, of which \$77.8 million was from the General Fund, and highlighted select fiscal year 2027 enhancement requests. One enhancement included a General Fund request of \$77,900 within the Guardian Ad Litem pass-through funds, submitted on behalf of the Court Appointed Special Advocate (CASA) program in the Second Judicial District. The program currently received \$224,000 in pass-through funding and requested the additional funds to support a trainer or recruiter, auditing costs, office lease expenses, and insurance requirements mandated by statute. She explained that CASA programs were statutorily required to recruit, train, and coordinate volunteers to serve as Court

Appointed Special Advocates for abused, neglected, or abandoned children under the Child Protective Act.

Ms. Bisharat reported that, on January 12, the court submitted a late addition to its fiscal year 2027 budget request related to the Senior Magistrate Judges Retirement Fund. In 2024, the Idaho Legislature amended statute to provide a \$25,000 retirement bonus for magistrate judges who retired at the conclusion of their term and provided written notice to the Idaho Supreme Court. Seven magistrate judges had timely notified the court of their intent to retire at the end of their terms in January, making them eligible for the bonus. The court estimated total costs of approximately \$1.4 million and requested an additional \$800,700 from the dedicated fund to cover these expenses.

Ms. Bisharat noted increased civil case filings in recent years, which resulted in higher balances in the Court Technology Fund. The court reported increased use of the Substance Abuse Treatment Fund and the Drug and Mental Health Court Family Court Services Fund due to the elimination of peer support services from the Department of Health and Welfare budget. The court used dedicated funds to sustain treatment court services through the end of the fiscal year (See Attachment 1).

DISCUSSION: **Senator Wintrow** asked whether additional information could be shared regarding the discussion that occurred in Committee concerning the CASA program, particularly its underfunded budget.

Ms. Bisharat explained that the Second Judicial District, located in northern Idaho and encompassing five counties, was a rural and remote area. The director of the CASA program had described challenges in recruiting volunteers and raising funds due to the district's geography. She noted that CASA programs were required to submit annual reports to the Legislature, which detailed revenue sources and expenditures by judicial district and were available through the legislative portal. The information showed that only a portion of the program's budget was supported through Guardian Ad Litem pass-through funds from the Supreme Court, with the remainder coming from other sources. She added that the program's revenues were insufficient to cover expenses, which was why additional funding was requested.

PRESENTATION: **Noah Peterson**, Budget and Policy Analyst, LSO, provided an overview of budget highlights for the Idaho Department of Correction (IDOC), focusing on dedicated fund cash balances, the Governor's holdback, and population-driven budget growth. He explained that cash balances in the Inmate Labor Fund and the Probation and Parole Receipts Fund had declined significantly from FY 2023 to FY 2025 due to decreased revenues and increased appropriations. As a result of insufficient cash balances, certain expenditures were shifted to the General Fund. The presenter noted that IDOC was exempted from the Governor's holdback because compliance would have required furloughs of approximately 2,200 staff, including security personnel. Remaining holdback amounts primarily reflected unallocated Change in Employee Compensation Savings (CEC) from extended vacancies and delayed payments in the County and Out-of-State Placement and Medical Services divisions due to billing timing.

Mr. Peterson identified population-driven growth as the primary driver of budget increases, particularly in the County and Out-of-State Placement Division and the Medical Services Division. These programs funded housing and medical care for offenders placed in county jails, out-of-state facilities, and IDOC institutions, with costs driven entirely by inmate population levels. He reported that IDOC facilities were at capacity, requiring additional placements in county and out-of-state

facilities. Supplemental funding requests for fiscal year 2026 reflected increased population projections, with average monthly county jail placements rising from 675 to 991 inmates and out-of-state placements increasing from 585 to 761 inmates (See Attachment 2).

DISCUSSION:

Senator Ricks asked whether the approximately \$11.5 million reduction reflected in the budget was being restored or permanently reduced. **Mr. Peterson** responded that the amounts were reduced in the current fiscal year and were not being restored. **Senator Ricks** asked for clarification on whether the reductions were removed from the agency's budget and whether funded but unfilled full-time equivalent (FTE) positions were typically retained in agency budgets or held until the positions were filled. **Mr. Peterson** confirmed that the reductions were taken out of the budget and explained that, in this case, the positions had been fully funded prior to the reductions.

Chairman Lakey asked whether the positions that had been vacant for six months or longer were reductions associated with recommendations from the Idaho DOGE Task Force, and whether any funded positions remained vacant for more than six months. **Mr. Peterson** responded that he did not have that information available and offered to follow up with the Task Force and report back to the Committee.

Senator Ruchti asked about the revenue from inmate labor and inquired which internal or external factors had contributed to the decline in revenue between fiscal years 2024 and 2025, and whether those factors were ongoing. **Mr. Peterson** explained that the decline in Inmate Labor Fund revenue was primarily due to the loss of certain work contracts, such as meat-packing and agricultural projects, over the past few years, while appropriations from the fund had increased. For the Probation and Parole Receipts Fund, revenue had remained relatively stagnant. The agency had explored ways to increase collections, but noted that many probationers and parolees were difficult to collect from, limiting the effectiveness of traditional collection efforts. **Senator Ruchti** asked whether IDOC had programs or personnel in place to identify additional contracts to increase revenue for the Inmate Labor Fund or to enhance collections for the Probation and Parole Receipts Fund. He also noted that, according to IDOC's handout, crime trends in Idaho had declined in 2024 to their lowest point in two decades, while IDOC populations had increased, and asked if there was an explanation for this apparent incongruence. **Mr. Peterson** explained that the Department maintained staff dedicated to securing large-scale inmate work contracts and assisting individuals in community reentry centers, whose earnings also contributed 35% to the Inmate Labor Fund. He noted that these were distinct revenue streams and that the Department was actively working to increase both. He also remarked that the Department aimed to ensure the appropriate individuals were housed in prison.

Senator Lenney asked how much IDOC was paying to house illegal aliens, noting he had heard it was approximately \$9 million per year. **Mr. Peterson** responded that he did not have that number available but offered to obtain the information and distribute it to the Committee.

Senator Wintrow asked about mandatory minimum sentences and how they might potentially impact the prison population, as well as the effect of drug-related charges on individuals returning to the community. **Mr. Peterson** stated that, in recent years, most individuals being sentenced to IDOC had been convicted of drug-related offenses. He noted an increase in drug-related sentencing but refrained from commenting on mandatory minimums or other sentencing policies.

Chairman Lakey asked whether the out-of-state housing rate of \$83, which was expected to increase to \$85, included an administrative fee. **Mr. Peterson**

responded that no administrative fee was paid to the private prison provider; the rate was a flat contract amount. He noted that IDOC maintained a contract oversight team to monitor and oversee the out-of-state program. While there was an administrative cost associated with overseeing the program, it was part of IDOC's internal operations. **Chairman Lakey** inquired whether IDOC tracked projected populations against actual populations over time and whether population estimates generally aligned with reality. **Mr. Peterson** responded that, although IDOC monitored populations, the need for supplemental funding in recent years—particularly for fiscal years 2024, 2025, and 2026—indicated that initial budget projections had been insufficient.

PRESENTATION: **Noah Peterson**, Budget and Policy Analyst, LSO, explained that the major budget item for the Idaho State Police (ISP) was the proposed commission pay plan, which was tied to legislation to increase the Project Choice fee from \$3 to \$12 per vehicle registration. The Project Choice Fund, created in 2007, was originally intended to support a career ladder and pay increases for officers with specific certifications. Currently, pay increases were temporary and tied to maintaining certifications rather than part of base pay. The ISP proposed restructuring the fund to support a portion of base pay and provide payments to commissioned officers after every five positive performance evaluations, creating a career-ladder system similar to local agencies. The agency projected that the fee increase would generate an additional \$18 million per year, with \$12.6 million requested from the fund.

DISCUSSION: **Senator Wintrow** asked whether the proposed increase in the Project Choice fee would raise the actual registration fee for individuals registering their vehicles. **Mr. Peterson** responded that the Project Choice fee, which was currently \$3 on top of every vehicle registration, would increase to \$12 under the proposal, resulting in an additional \$9 per vehicle registration.

PRESENTATION: **Keith Bybee**, Division Manager, Budget and Policy Analyst, LSO explained the General Fund appropriations and revenues from 2018 onward. He noted that the forecast used an average annual growth rate of 5.7%, based on historical growth from 2013–2020. **Mr. Bybee** highlighted that structural budget drivers, including policy choices and economic factors, had caused revenues and appropriations to diverge, creating challenges for long-term budget balance. He emphasized the importance of achieving structural balance over a multi-year cycle rather than just short-term balancing, to absorb economic shocks and policy changes. **Mr. Bybee** reviewed functional areas of budget growth over the past ten years, noting that adult and juvenile corrections, Medicaid and public schools had seen significant budget growth in 2022. He emphasized that understanding these trends was key to planning sustainable budgets.

Senator Grow explained that the budgets presented—Department of Corrections, Idaho State Police, and the courts—represented only a small portion of the hundreds of departments and agencies under review. He emphasized that structural balance referred to aligning ongoing revenues with ongoing expenses and noted that the Governor's projections focused on forward-looking estimates rather than revisiting past numbers. He highlighted that the difference between ongoing revenues and expenses was widening, which could require drawing on savings to maintain normal departmental functions. **Senator Grow** stressed the uncertainty in revenue projections, citing fluctuations of \$50–\$100 million in recent months and noting that approximately \$80 million in policy bills, including K–12 items, had yet to be resolved (See Attachment 3).

RS 33169 **This legislation provides clarity for provisions related to the illegal entry statutes, and clarifies definitions and the application of federal immigration law. Chairman Lakey** explained that **RS 33169** was built on last year's H 83 (2025), which was a collaborative effort between law enforcement and stakeholders. The prior law allowed individuals present in the U.S. illegally and under investigation for another crime, to be charged with a misdemeanor offense under Idaho law. **Chairman Lakey** noted that the bill addressed issues of state versus federal preemption, ensuring the proposed code did not conflict with federal law or infringe on areas fully occupied by federal authority. The legislation included provisions to maintain compliance with federal immigration law and clarified that it applied to adults.

DISCUSSION: **Senator Lenney** asked about the origin and purpose of the legislation, specifically what problem it aimed to solve. He inquired whether it was intended to strengthen compliance with federal law, particularly in connection with HB 83 and sought clarification on whether the bill was designed to make HB 83 more legally defensible. **Chairman Lakey** responded that the legislation was part of the State's effort to navigate between state and federal law and to strengthen the State's ability to use this as a tool. He noted that the language was intended to avoid preemption claims and, in consultation with the Attorney General, he believed it strengthened the State's connection to federal law.

MOTION: **Senator Foreman** moved to send **RS 33169** to print. **Senator Ricks** seconded the motion. The motion carried by **voice vote**. **Senator Wintrow** stated that she wished to be on the record as voting against H 83 (2025), but would vote in favor of **RS 33169**.

RS 33172 **This legislation provides juvenile probation officers the authority to detain probationers for probation violations, and to take a juvenile into custody on a warrant. Chairman Lakey** stated this legislation allowed juvenile probation officers to arrest or detain a juvenile probationer for violations occurring in their presence, as well as to arrest a juvenile on a court-issued warrant and transport them under that authority. It was noted that some of these actions were likely already occurring, but that **RS 33172** clarified statutory authority and promoted efficiency by reducing the need to involve additional law enforcement for transport.

MOTION: **Senator Foreman** moved to send **RS 33172** to print. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

S 1239 **SEX OFFENDERS - Amends existing law to revise the definition of "daycare". Senator Nichols** indicated that **S 1239** made a narrow, technical clarification to Idaho Code §18-8906, which governed sex offender residency restrictions near facilities serving children. The bill did not create new restrictions, change penalties, or expand the law statewide. It clarified that locally-approved or zoned daycares, which were legally allowed to operate without a state license, were treated the same as state-licensed daycares for the purpose of the 500-foot residency restriction. She stated that **S 1239** was not retroactive, did not require anyone to move, did not regulate small home daycares, it simply added language to recognize local approvals in addition to state licensing.

DISCUSSION: **Senator Wintrow** clarified that the bill only applied going forward and was not retroactive. **Senator Nichols** explained that anyone already living near an established daycare would not be required to move if a new daycare opened nearby.

MOTION: **Senator Foreman** moved to send **S 1239** to the floor with a **do pass** recommendation. **Senator Keyser** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time **Chairman Lakey** adjourned the meeting at 2:46 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary

Melissa Price
Secretary