

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 30, 2026

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Guthrie, Vice Chairman Bernt, Senators Anthon, Harris, Toews, Den Hartog, Adams, Shippy, 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 Guthrie** called the meeting of the Senate State Affairs Committee (Committee) to order at 3:06 p.m.

MINUTES APPROVAL: **Vice Chairman Bernt** moved to approve the Minutes of March 18, 2026. **Senator Ruchti** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Shippy** moved to approve the Minutes of March 20, 2026. **Vice Chairman Bernt** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairman Guthrie passed the gavel to Vice Chairman Bernt.

RS 33851 **Paid Signature Gatherers.** **Chairman Guthrie** explained that this legislation was similar to one he presented earlier this session with some changes to language that was found to have First Amendment concerns.

MOTION: **Senator Harris** moved to send **RS 33851** to print. **Senator Ruchti** seconded the motion. The motion carried by **voice vote** with **Senator Shippy** voting nay.

PASSED THE GAVEL: Vice Chairman Bernt passed the gavel to Chairman Guthrie.

RS 33853 **Kratom, Possession.** **Vice Chairman Bernt** introduced this legislation as an attempt to address the growing problem with Kratom. **Representative Erin Bingham** said this would amend the Idaho Uniform Controlled Substances Act to classify mitragyna speciosa as a Schedule One drug.

Chairman Guthrie stated that no motion was made on **RS 33853**.

S 1441 **MEMORANDUM OF AGREEMENT WITH IMMIGRATION AND CUSTOMS ENFORCEMENT - Adds to existing law to establish provisions regarding law enforcement entering into a memorandum of agreement with Immigration and Customs Enforcement.** **Senator Anthon** explained the goal of this legislation was to create a state-wide standard for local jurisdictions to cooperate and communicate with U.S Immigration and Customs Enforcement (ICE). He said the general expectation was that local agencies would participate, but that this legislation allowed for them to opt-out if they provided written justification.

TESTIMONY: **Michael Krane**, representing Idaho Counties' Risk Management Program, **Sheriff Kiernan Donahue**, representing the Idaho Sheriff's Association, **Seth Grigg**, representing the Idaho Association of Counties, and **Sheriff Matt Clifford**, representing the Idaho Sheriff's Association, testified against **S 1441** for the following reasons:

- Belief this legislation was unnecessary and addressed a non-existent problem;
- Local agencies already worked and cooperated with ICE;
- Belief there was no need for formal agreements when the informal relationship worked well;
- Concern this would infringe on the given authority of local agencies.

DISCUSSION: **Senator Ruchti** asked Mr. Kane if officers qualified under the Federal Tort Claim Act. **Mr. Kane** said that they were not and noted that this legislation could not affect federal law. **Chairman Guthrie** asked Mr. Kane if an officer of the Sheriff worked with ICE if they were under the direction of the local or federal government. **Mr. Kane** said the administrative chain of command was complicated in this scenario and they were treated as federal officers. **Senator Shippy** asked Sheriff Donahue what part of this legislation would erode the separation of powers in his opinion. **Sheriff Donahue** addressed a misconception that the Sheriff worked for the Board of County Commissioners and clarified that they did not. He went on to say that this legislation would allow the federal government to infringe on the ability of the Sheriff to act on their expressed and implied powers, which was where the separation of powers problem lied. **Chairman Guthrie** told the Committee about an experience when he was on the Board of County Commissioners when he learned the separation of powers was a necessity.

Senator Ruchti asked Sheriff Donahue if he shared his concern about the local agencies being forced to work for ICE rather than alongside ICE. **Sheriff Donahue** explained that local agencies already worked voluntarily alongside ICE and had a positive working relationship. He believed this legislation would change that and in his eyes they would work for ICE. **Chairman Guthrie** asked Sheriff Clifford if the federal government paid the wages of the officers of the local agency they used. **Sheriff Clifford** said that some expenses were covered such as vehicles or overtime, but other expenses were not. **Chairman Guthrie** asked Sheriff Clifford if those officers would report to their Sheriff or to the ICE agents they were working under for the time being. **Sheriff Clifford** said they would be working under the oversight of the federal government.

Senator Ruchti asked Mr. Grigg if he knew of any other examples where Idaho code required a county to enter into a memorandum of understanding (MOU). **Mr. Grigg** said MOUs were common in law but he wasn't aware of any examples where an MOU was mandated in legislation. **Senator Ruchti** said an MOU seemed voluntary in nature and that a statutory requirement took away the voluntary involvement. **Mr. Grigg** said this would present a new process that the local Sheriff's Office would have to follow which made it unique compared to other MOUs. **Senator Anthon** closed the discussion by emphasizing it was not his intent to override the authority of the Sheriff but rather the intention was to set a state-wide expectation with local flexibility.

MOTION: **Senator Den Hartog** moved to send **S 1441** to the 14th Order of Business for possible amendment. **Senator Toews** seconded the motion.

DISCUSSION: **Senator Ruchti** expressed his hesitation to move this legislation forward and believed more work needed to be done to ensure this would not burden our local law enforcement entities. **Senator Adams** voiced support for the motion and believed this was a good step forward in addressing the immigration problem, which was something important to Idahoans. **Senator Ruchti** said he would understand this was an important issue to address but believed this legislation was not the way to do so. **Senator Adams** believed this legislation was a way for local government to work with ICE, not for them. **Chairman Guthrie** said he could not support the motion because he trusted his local Sheriffs and did not feel they should have federal oversight from ICE when they already had a positive and cooperative working relationship.

ROLL CALL VOTE: **Chairman Guthrie** called for a roll call vote on the motion to send **S 1441** to the 14th Order of Business for possible amendment. **Vice Chairman Bernt, Senators Anthon, Den Hartog, Harris, Toews, and Adams** voted aye. **Chairman Guthrie, Senators Shippy, and Ruchti** voted nay. The motion carried.

S 1443 **CONDITIONAL RELEASE AND DEPORTATION OF ILLEGAL ALIEN OFFENDERS - Adds to existing law to establish provisions regarding the conditional release and deportation of illegal alien offenders.** **Senator Den Hartog** explained that this legislation gave the director of the Idaho Department of Corrections (IDOC) the option to release non-citizen offenders with final deportation orders into ICE custody before they had served their full sentence. She said safeguards would still be in place for victim notification, restitution, and limits on eligibility. **Senator Den Hartog** said this would lower incarceration costs for Idaho taxpayers while supporting immigration enforcement efforts.

DISCUSSION: **Senator Ruchti** asked Bree Derrick, Director of the Idaho Department of Corrections, if under this legislation, someone who was deported were to come back and had to serve their sentence, whether their time with ICE would be credit served on the remainder of their sentence. **Director Derrick** said that was her understanding. **Senator Shippy** asked Director Derrick about concerns he had about justice for the victims of these people's crimes and how, under this legislation, justice was served for them. **Director Derrick** said if this legislation moved forward, IDOC would have to figure out logistics and could not speak to that concern. **Chairman Guthrie** referred to Senator Ruchti's question and asked if those deported were free to go or if there was a probationary period for those who were deported so law enforcement could follow up. **Director Derrick** said there was no probationary period or supervision in place after deportation.

TESTIMONY: **Mike Miraglia**, representing the Idaho Fraternal Order of Police, testified against **S 1443**. **Mr. Miraglia** voiced concern about the accountability and fairness of this legislation. He also believed there was a significant risk to victim safety and well-being.

DISCUSSION: **Senator Den Hartog** closed the discussion by emphasizing the importance of victim rights and suggested IDOC keep that in mind as they figured out how to implement this. She reiterated the financial burden this would remove from Idaho taxpayers and supported coordination of local law enforcement with ICE.

MOTION: **Senator Toews** moved to send **S 1443** to the floor with a **do pass** recommendation. **Senator Adams** seconded the motion.

DISCUSSION: **Senator Shippy** expressed hesitation to support the motion and reiterated the concerns he voiced previously regarding victim protection. **Chairman Guthrie** appreciated the intent of the legislation but expressed he could not support the motion.

**ROLL CALL
VOTE:**

Chairman Guthrie called for a roll call vote on the motion to send **S 1443** to the floor with a **do pass** recommendation. **Chairman Guthrie, Vice Chairman Bernt, Senators Harris, Shippy, and Ruchti** voted nay. **Senators Anthon, Den Hartog, Toews, and Adams** voted aye. The motion failed.

CONVENED:

There being no further business at this time, **Chairman Guthrie** adjourned the meeting at 4:14 p.m.

Senator Guthrie
Chair

Abby Rowe
Secretary