

MINUTES  
**HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE**

**DATE:** Wednesday, January 17, 2024

**TIME:** 1:30 P.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Skaug, Vice Chairman Scott, Representatives Ehardt, Young, Cannon, Erickson, Alfieri, Allgood, Dixon(24), Gallagher, Garner, Handy, Lambert, Sauter, Wroten, Gannon, Nash (Coberly), Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Skaug** called the meeting to order at 1:29pm.

**MOTION:** **Rep. Wroten** made a motion to approve the January 11, 2024 and January 12, 2024 meeting minutes. **Motion carried by voice vote.**

**RS 30853:** **Rep. Tanner** presented **RS 30853** regarding lewd conduct with a minor and capital punishment.

**MOTION:** **Vice Chairman Scott** made a motion to introduce **RS 30853**. **Motion carried by voice vote.**

**Chairman Skaug** turned the gavel over to **Vice Chairman Scott**.

**H 387:** **Chairman Skaug** presented **H 387** regarding domestic violence penalties.

**MOTION:** **Rep. Wroten** made a motion to send **H 387** to the floor with a **DO PASS** recommendation.

Committee inquired regarding mandatory minimum sentences within legislation.

**VOTE ON MOTION:** **Motion carried by voice vote. Chairman Skaug** will sponsor the bill on the floor.

**Vice Chairman Scott** turned the gavel over to **Chairman Skaug**.

**H 388:** **Rep. Handy** presented **H 388** regarding juvenile corrections.

**Monty Prow**, Director of Idaho Department of Juvenile Corrections, presented information regarding development of the adolescent brain and comprehension of criminal intent.

Committee inquired regarding criminal intent and adolescents, the age of culpability, restitution, restorative justice, entrance procedures into the state system, application of justice, and bifurcation of the juvenile justice system.

**MOTION:** **Vice Chairman Scott** made a motion to **HOLD H 388** in committee.

**SUBSTITUTE MOTION:** **Rep. Young** made a substitute motion to send **H 388** to the floor with a **DO PASS** recommendation.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** Chairman Skaug requested a roll call vote on the substitute motion to send H 388 to the floor with a **DO PASS** recommendation. **Motion failed by a tie vote of 9 AYE, and 9 NAY.** Voting in favor of the motion: **Reps. Skaug, Ehardt, Young, Cannon, Erickson, Handy, Gannon, Coberly, Mathias.** Voting in opposition to the motion: **Reps. Scott, Alfieri, Allgood, Dixon (24) Gallagher, Garner, Lambert, Sauter, Wroten.**

**ROLL CALL VOTE ON MOTION:** Chairman Skaug requested a roll call vote on the original motion to **HOLD H 388** in committee. **Motion failed by a tie vote of 9 AYE and 9 NAY.** Voting in favor of the motion: **Reps. Scott, Alfieri, Allgood, Dixon (24), Gallagher, Garner, Lambert, Sauter, Wroten.** Voting in opposition to the motion: **Reps. Skaug, Ehardt, Young, Cannon, Erickson, Handy, Gannon, Coberly, Mathias.**

**MOTION:** Rep. Mathias made a motion to send H 388 to the floor with **NO RECOMMENDATION.**

**ROLL CALL VOTE:** Chairman Skaug requested a roll call vote on the motion to send H 388 to the floor with **NO RECOMMENDATION.** **Motion failed by a vote of 8 AYE and 10 NAY.** Voting in favor of the motion: **Reps. Skaug, Ehardt, Young, Cannon, Erickson, Handy, Coberly, Mathias.** Voting in opposition to the motion: **Reps. Scott, Alfieri, Allgood, Dixon (24), Gallagher, Garner, Lambert, Sauter, Wroten, Gannon.**

**RS 30863C1:** Rep. Allgood presented **RS 30863C1** regarding Fentanyl and mandatory minimums.

Committee inquired regarding knowledge required of Fentanyl content in possessed substances, and clarity regarding trafficking intent.

**MOTION:** Rep. Garner made a motion to introduce **RS 30863C1.**

Committee inquired regarding solicitation of trafficked substances, total number of Fentanyl deaths last year, and quantity of Fentanyl seized.

**SUBSTITUTE MOTION:** Rep. Cannon made a substitute motion to introduce **RS 30863C1** with the following changes: page 1 line 24 following "any person" add "with the intent to distribute to another person or persons." page 1 lines 32 and 33 strike "or any mixture or substance containing a detectable amount of any such substance," strike page 2 section 3 lines 31- 44.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** Chairman Skaug requested a roll call vote on the substitute motion to introduce **RS 30863C1** with the indicated changes. **Motion failed by a vote of 8 AYE and 10 NAY.** Voting in favor of the motion: **Reps. Scott, Ehardt, Young, Cannon, Erickson, Gannon, Coberly, Mathias.** Voting in opposition to the motion: **Reps. Skaug, Alfieri, Allgood, Dixon (24), Gallagher, Garner, Handy, Lambert, Sauter, Wroten.**

**ROLL CALL VOTE ON MOTION:** Chairman Skaug requested a roll call vote on the motion to introduce **RS 30863C1.** **Motion carried by a vote of 15 AYE and 3 NAY.** Voting in favor of the motion: **Reps. Skaug, Scott, Ehardt, Young, Erickson, Alfieri, Allgood, Dixon (24), Gallagher, Garner, Handy, Lambert, Sauter, Wroten, Mathias.** Voting in opposition: **Cannon, Gannon, Coberly.**

**RS 30933:** Rep. Rubel presented **RS 30933** regarding the FAIR Election Act and deep-fake, artificially generated audio and visual material in electioneering.

**MOTION:** Rep. Young made a motion to introduce **RS 30933.** **Motion carried by voice vote.**

**RS 30963:** Rep. Dixon (24) presented **RS 30963** regarding volunteer ski patrol liability.

Committee inquired regarding the difference between current statute and the proposed legislation.

**MOTION:** Rep. Ehardt made a motion to introduce **RS 30963.** **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 2:55pm.

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Representative Skaug  
Chair

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Nancy Conrad  
Secretary