

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, January 23, 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 1:28pm.

MOTION: **Rep. Wroten** made a motion to approve the January 17, 2024 and January 19, 2024 meeting minutes. **Motion carried by voice vote.**

H 406: **Senator Todd Lakey** and **Rep. Hill** presented **H 406** regarding Fentanyl and mandatory minimums for convicted traffickers.

ORIGINAL MOTION: **Rep. Wroten** made a motion to send **H 406** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Cannon** made a substitute motion to send **H 406** to **GENERAL ORDERS** for amendment.

AMENDED SUBSTITUTE MOTION: **Rep. Garner** made a motion to send **H 406** to the floor with **NO RECOMMENDATION.**

Committee discussed homicidal language of legislation, intent provision, application to minors, confidence in law enforcement officer testimony, effectiveness of similar laws, differentiating between users and dealers, current rate of user incarceration, descriptions of trafficking, necessity of law enforcement tools, 322 Fentynal deaths in Idaho last year, and the drug threat to all demographics.

Committee inquired regarding waivers for juveniles, clarification of Fentanyl mixtures and quantities, dosage quantities related to intent and murder charges, explanation of "an indeterminate sentence of life", culpability regarding groups of college kids who use and death occurs, judicial discretion, legislative impact regarding open border with Mexico, China as the origin of precursor ingredients, statistics of drug related offenses, seizure rates, recidivism, and data regarding trafficking charges pled down to possession.

MOTION TO CALL FOR THE QUESTION: **Rep. Garner** made a motion to call for the previous question.

ROLL CALL VOTE ON THE MOTION: **Chairman Skaug** requested a roll call vote. **Motion failed by a vote of 6 AYE and 12 NAY. Voting in favor** of the motion: **Reps. Skaug, Allgood, Dixon (24), Garner, Sauter, Wroten. Voting in opposition** to the motion: **Reps. Scott, Ehardt, Young, Cannon, Erickson, Alfieri, Gallagher, Handy, Lambert, Gannon, Coberly, Mathias.**

Committee discussed due process of law, accountability of law enforcement, the value of legislators' responsibilities, pressures from outside entities regarding Fentanyl legislation, complexity of the issue, and concerns regarding drug mixtures.

**ROLL CALL
VOTE ON
AMENDED
SUBSTITUTE
MOTION:**

Chairman Skaug requested a roll call vote. **Motion carried by a vote of 13 AYE and 5 NAY. Voting in favor of the motion: Reps. Skaug, Scott, Young, Cannon, Alfieri, Dixon (24), Gallagher, Garner, Handy, Lambert, Sauter, Wroten, Gannon. Voting in opposition to the motion: Reps. Ehardt, Erickson, Allgood, Coberly, Mathias. Rep. Hill will sponsor the bill on the floor.**

Reps. Ehardt, Erickson, and Allgood requested to change their vote to **AYE**. **Chairman Skaug** granted the request.

**ADJUSTED
ROLL CALL
VOTE:**

Motion carried by a vote of 16 AYE and 2 NAY. Voting in favor of the motion: Reps. Skaug, Scott, Ehardt, Young, Cannon, Erickson, Alfieri, Allgood, Dixon (24), Gallagher, Garner, Handy, Lambert, Sauter, Wroten, Gannon. Voting in opposition to the motion: Reps. Coberly and Mathias.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 3:19pm.

Representative Skaug
Chair

Nancy Conrad
Secretary