

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, January 15, 2020

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lakey, Vice Chairman Lee, Senators Lodge, Anthon, Thayn, Cheatham, Burgoyne and Nye

ABSENT/ EXCUSED: Senator Grow

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 1:32 p.m.

GUBERNATORIAL APPOINTMENT HEARING: **Gubernatorial Appointment** of Dr. Karen Neill to the State Board of Corrections. **Dr. Neill** briefly described her background and passion about the appointment. She explained why her background and interests provided her experience which would be helpful to the State Board of Corrections.

DISCUSSION: Questions were asked by **Senators Thayn, Burgoyne** and **Nye** which focused on her expertise in the area of corrections. Her responses indicated that Ms. Neill was very qualified to serve on the State Board of Corrections.

RS 27237 **Relating to Mandatory Reentry Savings Accounts for Incarcerated Individuals.** **Josh Tewalt, Director, Department of Corrections,** explained that **RS 27237** would authorize mandatory savings accounts. The Department of Correction offers some assistance to individuals leaving the correctional system but their resources are limited. A review was held and it revealed that the savings accounts would have netted \$150,000 per individual as they begin their reentry into society. There is the possible unintended consequence of people trying to take the money out early and then reporting that they are indigent when they actually do still have the money. **RS 27237** would regulate this process to help maintain the best possible use of the funds.

MOTION: **Senator Lodge** moved to send **RS 27237** to print. **Senator Cheatham** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT HEARING: **Gubernatorial Appointment** of Patricia Young to the Commission of Pardons and Parole. **Ms. Young** shared that she is a fourth generation Idahoan and stated that her father and husband had both been judges. She followed their example and served as a Boise County Magistrate Judge for 23 years and a senior judge for 10-15 years.

DISCUSSION: In response to questions from **Vice Chairman Lee** and **Senators Thayne, Lodge, Nye, Cheatham** and **Burgoyne** **Ms. Young** discussed her strengths, her philosophy of Pardons and Parole, the role of Health and Welfare in Pardons and Parole, and the experience she has had since her appointment began in August 2019.

**GUBERNATORIAL
APPOINTMENT
HEARING:**

Gubernatorial Appointment of Angela D. Barkell to the Public Defense Commission. **Ms. Barkell** indicated that she brings a unique and needed voice to the Public Defense Commission. She is currently the Owyhee Clerk of the District Court. She expressed her excitement about bringing the county perspective to the Public Defense Commission and providing a resource for them.

**PASSED THE
GAVEL:**

Chairman Lakey passed the gavel to Vice Chairman Lee.

MOTION:

Vice Chairman Lee requested unanimous consent to move **Idaho State Police Docket Nos. 11-0000-1900, 11-0000-1900F and 11-1001-1900F** for consideration to the Monday, January 20, 2020 Committee meeting. There were no objections.

OMNIBUS RULES:

Vice Chairman Lee asked if anyone present would like to speak to any of the dockets listed on the Agenda. There were none.

MOTION:

Senator Anthon moved to approve **Docket Nos. 05-0000-1900, 21-0000-1900, 50-0101-1900, 61-0000-1900, 21-0000-1900F and 57-0101-1900F**. **Senator Nye** seconded the motion. The motion carried by **voice vote**.

**PASSED THE
GAVEL:**

Vice Chairman Lee passed the gavel to Chairman Lakey.

PRESENTATION:

Judge Barry Wood presented Magistrate Rick Bollar, from Minidoka County.

Judge Rick Bollar began his presentation on child custody determination, stating the goal is to keep children out of these situations. He discussed resources available that can help individuals avoid custody litigation. He continued by discussing laws which have been put in place to help get resolution and keep children safe (see Attachment 1).

Senator Anthon asked Judge Bollar's opinion on the presumption of shared custody and **Judge Bollar** stated that to assume it is the best case scenerio is not effective because there are many variables involved. **Chairman Lakey** questioned how grandparents and protection orders fit into family law cases. **Judge Bollar** responded that there are avenues for grandparents visitation or custodial entitlements and the use of protection orders can be useful for at least 14 days until a hearing can be held.

ADJOURNED:

There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:58 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary