

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, January 24, 2024

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lakey, Senators Lee, Anthon, Ricks, Hart, Hartgen, Wintrow, Ruchti

ABSENT/ EXCUSED: Vice Chairman Foreman

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 Senate Judiciary and Rules Committee (Committee) to order at 1:30 p.m.

MINUTES APPROVAL: **Senator Hartgen** moved to approve the Minutes of January 12, 2024. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Anthon** moved to send the Gubernatorial Appointment of Keely Duke to the Idaho Judicial Council to the floor with a recommendation that she be confirmed by the Senate. **Senator Hartgen** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Appointment of Erik Lehtinen of Boise, Idaho, to the State Public Defense Commission** for a term commencing September 25, 2023 and expiring July 1, 2024.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Appointment of Erik Lehtinen of Boise, Idaho, as the State Appellate Public Defender** to serve a term commencing January 7, 2024 and expiring August 1, 2026.

Chairman Lakey explained there were two appointments Mr. Lehtinen was being considered for and he could introduce himself and talk about both positions. A vote would be taken on each position separately.

Mr. Lehtinen stated he was the Governor's nominee for State Appellate Public Defender (SAPD) and a State Public Defense Commissioner. He explained he had been working in the State Appellate Public Defender's Office for almost 20 years and 10 years of that time was spent as a line appellate attorney. During that time he handled hundreds of appeals including everything from simple possession of a controlled substance to sex crimes and murder cases. He had appeared before the Court of Appeals and the Supreme Court of Idaho. During the last 10 years Mr. Lehtinen served as Chief of the Appellate Unit in the SAPD which gave him experience to hire and train new attorneys and other staff members, be involved in agency-wide policy decision making and serve on various committees as a representative of the State Public Defender's Office.

Mr. Lehtinen commented that he thought he had the SAPD in his bones. It appealed to him on many levels and he enumerated many of them. He added the people working there were very dedicated and committed to their jobs.

DISCUSSION: **Senator Wintrow** questioned what characteristics Mr. Lehtinen had that were a good match for the requirements of this job. **Mr. Lehtinen** suggested that his experience was an important part of the requirements. He expressed that a leader of an organization needed to be able to motivate and demonstrate how to lead from within. He stated he used example to try to demonstrate hard work and commitment to the client focus mentality. He did not like or use micro management since that took away the ability to problem solve. **Mr. Lehtinen** liked collaborative approaches in dealing with challenges and felt that he was a good leader in teaching that skill.

Chairman Lakey asked what Mr. Lehtinen would like to improve in the State Appellate Public Defender's office. **Mr. Lehtinen** was pleased with the way the office was functioning and did not foresee any dramatic changes. He said the one thing he was taking as a personal goal was to find a way to deal more effectively with the dramatic shifts in case loads. Since Covid, it had been very difficult to deal with the situation. The current solution was to ask the Idaho Supreme Court for extensions of time and hope they could catch up.

RS 30802 **Relating to Replacement of Sexual Offender Management Board (SOMB).** This bill required the Idaho Department of Correction (IDOC) to create an advisory panel to do the work of the Sexual Offender Management Board (SOMB). SOMB did not manage or supervise sexual offenders, rather it set and oversaw standards for treatment providers that served sexual offenders. IDOC worked with the Department of Juvenile Corrections on standards for service providers who worked with juveniles. This legislation eliminated the fiscal burden on providers who might have been small business owners by having support of the Juvenile Court, the Board of Corrections, and added a legislative member for additional transparency.

MOTION: **Senator Lee** moved to send **RS 30802** to print. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business before the Committee, **Senator Lakey** adjourned the meeting at 1:45 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary