

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Monday, February 05, 2024

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lakey, Vice Chairman Foreman, Senators Lee, Anthon, Ricks (Ricks), Hart, Hartgen, Wintrow, 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 Lakey** called the meeting of the Senate Judiciary & Rules Committee to order at 1:30 p.m.

MINUTES APPROVAL: **Senator Hartgen** moved to approve the minutes of January 15, 2024. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

Senator Lee moved to approve the minutes of January 17, 2024. **Senator Ruchti** seconded the motion. The motion carried by **voice vote**.

Senator Hart moved to approve the minutes of January 24, 2024. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairman Lakey passed the gavel to Vice Chairman Foreman.

DOCKET NO. 05-0102-2301 **Rules of the Idaho Department of Juvenile Corrections (IDOJC). Monty Prow**, Director, Idaho Department of Juvenile Corrections, recommended **Docket No. 05-01-02** and **Docket No. 05-01-04** be updated to include Rules and Standards for Secure Juvenile Detention Centers and Uniform Standards for Juvenile Probation Services. The Department recommended repealing Chapter 05-01-02 Regarding Standards for Secure Juvenile Detention Centers and combining into a new, updated chapter including definitions and standards for juvenile probation services. The new combined chapter would be listed as 05-01-04. Input from stakeholders indicated that this combination would make it easier to use the information contained in the rules. The subject matter expert's recommendations were made. Updates included language modernization, reduced duplication, improved readability, and documented updated procedures related to working with juveniles and probation in a detention setting. Standard negotiation rule-making practices were followed related to these changes.

DISCUSSION: **Senator Hart** questioned what was included in the attachments and how they fit into the above explanations (Attachments 1, 2, and 3). **Director Prow** stated that the sixty page attachment was a repeal and replace section.

Senator Wintrow confirmed that there were no substantive changes and the rearrangements were organized to make it easier for future use. **Director Prow** agreed.

MOTION: **Senator Hartgen** moved to approve **Docket No. 05-0102-2301**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 05-0104-2301 Combined **Docket No. 05-0102** Rules and Standards for Secure Juvenile Detention Centers (ZBR Chapter Repeal) - Proposed Rule P. 3 and **Docket No. 05-0104** Uniform Standards for Juvenile Probation Services (ZBR Chapter Rewrite) - Proposed Rule P. 5 as discussed above.

MOTION: **Senator Wintrow** moved to approve **Docket No. 05-0104-2301**. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 05-0201-2301 **Rules of the Idaho Department of Juvenile Corrections (IDOJC)**. **Monty Prow**, Director, Idaho Department of Juvenile Corrections, presented **Docket No. 05-0201-2301** which included an update to the Rules for Residential Treatment Providers. There was no anticipated fiscal impact related to the recommendation. It was suggested that Chapter 05-02-01 be repealed. The necessary content was included as expectations with the Department of Purchasing approved contracts for each residential treatment provider as part of the contract language. The contract was an adequate and enforceable tool to communicate expectations. The contracted residential treatment providers were audited annually for compliance. Background of this rule showed a steady decrease in the number of youth who required reliance on residential treatment providers. The contracts developed had a rule chapter dedicated to one provider and were unnecessary.

Director Prow added that the Department incorporated rule expectations with the contracts for each residential treatment provider. The contracts were approved by the purchasing department and were available to the public on the State Controller's website. Necessary steps were taken to ensure maximum transparency. **Director Prow** provided a sample contract showing what it would look like if this legislation passed (Attachment 1).

DISCUSSION: **Senator Lee** inquired who would be responsible for changes in the new recommendations. **Director Prow** responded there was nothing more important to him and the Department of Corrections staff than the safety of the children. They would never make a change that would limit their ability to keep the kids safe. He continued that moving to a contract as proposed would allow him to work more nimbly with the providers to address the children's specific needs. **Senator Lee** added she was concerned about what would happen when **Director Prow** was no longer director. **Director Prow** assured her there were checks and balances that would keep obligations in check.

Senator Wintrow questioned if there was a middle ground to achieve the oversight of the legislature and the nimbleness to provide for the kids' safety. **Director Prow** explained that the director had obligations as stated in statute and that would not change.

MOTION: **Senator Hart** moved to hold the docket in Committee until the next meeting. **Senator Lee** seconded the motion. The motion was **Held Subject to Call of the Chair**.

NOTE: Chairman Lakey was not present to introduce **RS 31051**. The Committee moved on to **RS 31052**.

RS 31052 **Jason Spillman, Legal Counsel, Administrative Office of the Courts**, explained that **RS 31052** related to fines and fees owed to the courts. The fines were paid with either a credit or debit card at the county clerk's office or over the counter. There was a convenience fee charged when electronic payments were made. This legislation requested the fee that was charged be deposited into the court technology fund and that it be deposited before it goes through the card processor or vendor.

MOTION: **Senator Lee** moved that **RS 31052** be sent to print. **Senator Wintrow** seconded the motion. The motion passed by **voice vote**.

RS 31146 **Jason Spillman, Legal Counsel, Administrative Office of the Court**, stated **RS 31146** created a mechanism where a judicial officer could request that a public agency who had a record containing their personal home address redact that information. The bill seeks to specifically identify the residential street address to include a legal description that would allow identification of the location of the property.

MOTION: **Senator Anthon** moved to send **RS 31146** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

RS 31051 Relating to driving under the influence and to clarify the Legislature's intention regarding the timing of ignition interlock requirements. **Senator Anthon** moved to print **RS 31051**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business **Vice Chairman Foreman** adjourned the meeting at 2:00 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary