

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Monday, January 13, 2020

TIME: 1:30 P.M.

PLACE: Room WW54

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

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 and Rules Committee (Committee) to order at 1:32 p.m.

MINUTES APPROVAL: **Senator Cheatham** moved to approve the Minutes of January 8, 2020. **Senator Grow** seconded the motion. The motion carried by **voice vote** .

RS 27236 **Relating to Mandatory Savings for Incarcerated Individuals.** Due to a typographical mistake on the agenda, **RS 27236** will be heard in the next Committee meeting.

RS 27313 **Relating to Adoption Procedure Notices.** **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, presented a short introduction of the next four RSs to be presented to the Committee. He stated that each RS is being presented pursuant to Article 5 section 25 of the Idaho Constitution, which requires the Judiciary to identify the defects and omissions in the law. He also mentioned that the Idaho Supreme Court (Court) has an ongoing effort to establish procedural time frames in court cases in seven-day increments.

He stated that Idaho Code § 16-505 contains several time frames that are in 20-day increments. **RS 27313** seeks to change 20 days to 21 days to align with the Court's effort to establish seven-day increments.

MOTION: **Senator Anthon** moved to send **RS 27313** to print. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

RS 27332 **Relating to Guardians and Conservators Appointment Proceedings.** **Mr. Spillman** explained that **RS 27332** deals with Idaho Code § 66-404 which is the statute governing the appointment of guardians and conservators for persons with developmental disabilities. This section contains two defects that the RS seeks to change. The first defect is in subsection (6)(f)(i)(2) of this statute which states that "the persons to be appointed as co-guardians or co-conservators will work together cooperatively to serve the best interests of the child." The phrase "best interests of the child" is not applicable. The word "child" should be replaced with "person with a developmental disability."

RS 27332 seeks to change procedural time frames. It is recommended that all procedural time frames be in seven-day increments. The notice of provision should be modified from 10 days to 14 days.

MOTION: **Senator Nye** moved to send **RS 27332** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

RS 27333 **Relating to Appointments of Guardians and Conservators for a Minor, an Incapacitated Person and Temporary and Emergency Appointments.** **Mr. Spillman** stated **RS 27333** deals with guardianship and conservatorship statutes related to minors and incapacitated persons. In some cases, minor and incapacitated persons are in need of guardianship and conservatorship at the same time. These cases are filed simultaneously and handled together by the court. Time frame inconsistencies in Idaho Code §§ 15-5-207, 15-5-310, and 15-5-407A, create confusion for both the parties concerned and the Court. **RS 27333** seeks to align all the notice and hearing time frames in these three statutory provisions to 72-hour notice and 14-day hearing procedural time frames.

MOTION: **Senator Burgoyne** moved to send **RS 27333** to print. **Senator Grow** seconded the motion. The motion carried by **voice vote**.

RS 27334 **Relating to Payments of Fines in Criminal Cases.** **Mr. Spillman** explained that **RS 27334** deals with the order of distribution of payments received in criminal cases, and attempts to bring all fees, costs, fines, and restitutions in one statute. It will allow the Legislature to draft policy with regards to the order of distribution.

Mr. Spillman also stated that **RS 27334** would allow fines to be placed in the same distribution category. He emphasized that Idaho Code § 37-2732(k) not only makes references to investigatory cost for money laundering and racketeering but also the investigation of controlled substance violation.

Mr. Spillman indicated that **RS 27334** also seeks to correct typographical errors in subsection (1), and fix an inaccurate reference in subsection (21).

MOTION: **Senator Nye** moved to send **RS 27334** to print. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

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

Vice Chairman Lee reviewed the process for the Committee in reviewing rules and suggested the Committee check the LSO Analysis and November Administrative Bulletin for a comprehensive look at the omnibus rules. She indicated that any concerns or questions on a particular docket should be brought to her to discuss whether that docket should be considered separately from the omnibus rules.

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

ADJOURNED: There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:03 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary

Rellie Wisdom
Staff Assistant