

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Friday, January 19, 2024

TIME: 9:30 A.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:** Representative Handy

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 9:32am.

H 406: **Rep. Hill** presented **H 406** regarding Fentanyl and sentencing for convicted traffickers, thresholds for possession, determining intent to traffic, deterrence through legislation and enforcement.

Chairman Skaug informed the committee that testimony would be taken regarding **H 406** and the vote would occur on January 23, 2024.

Senator Todd Lakey presented information regarding drug policy and application to Fentanyl, comparisons between Heroin and Fentanyl, dangers to law enforcement through exposure to Fentanyl and violence related to drug trafficking.

Mike Pohanka, Tracy Basterrechea, Idaho Chiefs of Police, **Jordan McCarthy**, Fraternal Order of Police, **Blaine Konzatti**, Idaho Family Policy Center, **Kelly Hobbs, Sheriff Kieran Donahue**, Canyon County Sheriff's Office, Idaho Sheriffs Association, National Sheriffs Association, testified **in support** of **H 406**.

Committee inquired regarding recent drug quantities seized, application of mandatory minimums and knowledge of Fentanyl content, annual fatalities in Idaho, accidental possession, plea deals in regard to trafficking and possession, prosecutorial discretion, coordination with the federal government, identifying characteristics of Fentanyl, recidivism rate, inelasticity of drug demand compared to elasticity of price, necessary point of focus to diminish Fentanyl issues, Fentanyl patch thefts from hospitals, origin of illegal Fentanyl in the United States, field test availability, expected decrease in number of deaths if legislation passed, constructive possession, and deterrence of strong penalties.

Todd Hogan, Susan Mansfield, Mike French, Idaho Association of Criminal Defense Lawyers, **Dennis Mansfield**, CPAC, **Jean Fisher**, Right on Crime, testified **in opposition** to **H 406**.

Committee inquired regarding drug courts, definitions of users and sellers, determining intent to deliver, effectiveness of mandatory minimums, categories of currently incarcerated users, juvenile murder auto-waivers, application of the legislation to minors, prosecutorial discretion, proof of causation, comparison between vehicular homicide and drug homicide, Good Samaritan Law application, prosecutor amended charges, reluctance to administer aid due to lack of affirmative defense, plea bargains and lack of required charge of homicide.

Chairman Skaug put the committee at ease at 10:27am.

Chairman Skaug reconvened the meeting at 10:28am.

Chairman Skaug put the committee at ease at 11:40am.

Chairman Skaug reconvened the meeting at 11:53am.

Gus Powel, Sheriff Matt Clifford, Idaho Sheriffs Association, Ada County Sheriffs Office, **Trevor Chadwick**, Mayor of Star, **Grant Loebbs**, Idaho Prosecuting Attorney's Association, testified **in support** of **H 406**.

Committee inquired regarding the phrase "any detectable amount of Fentanyl", reluctance to clarify bill language, quantity of Fentanyl laced into other drugs required for charge, five ounces of Fentanyl laced Marijuana does not hold an equal charge as five ounces of Fentanyl, legislative encroachment upon judicial discretion, possible hesitance to create drug laws due to over-crowded prisons, time line regarding mandatory minimum sentencing, and the challenge of determining intent.

Kate Heil and **Jennifer Zielinski**, Idaho Anti-Trafficking Coalition, testified **in opposition** to **H 406**.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 12:50pm.

Representative Skaug
Chair

Nancy Conrad
Secretary