

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Monday, January 29, 2024

TIME: 1:30 P.M.

PLACE: Room WW54

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

ABSENT/ EXCUSED: Senator Ricks

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 (Committee) to order at 1:30 p.m.

GUBERNATORIAL APPOINTMENT VOTE: **Vote on the gubernatorial appointment of Erik Lehtinen of Boise, Idaho to the State Public Defense Commission to serve a term commencing September 25, 2023 and expiring July 1, 2024.**

MOTION: **Senator Lee** moved to send the gubernatorial appointment of Erik Lehtinen to the floor with a recommendation he be confirmed by the Senate. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Vote on the gubernatorial appointment of Erik Lehtinen of Boise, Idaho as State Appellate Public Defender to serve a term commencing January 7, 2024 and expiring August 1, 2026.**

MOTION: **Senator Anthon** moved to send the gubernatorial appointment of Erik Lehtinen to the floor with a recommendation he be confirmed by the Senate. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment of Michael Ross** of Meridian, Idaho to the Commission of Pardon and Parole (Commission) to serve a term commencing January 1, 2024 and expiring January 1, 2027. **Mr. Ross** had been the Pastor of St. Paul Baptist Church for 23 years and served in the United States Marine Corps.

DISCUSSION: **Senator Wintrow** asked Mr. Ross what he thought was important about serving in this role and what characteristics he possessed to excel in the role. **Mr. Ross** responded and said to excel one must like to read, care about the community, and care about safety. **Senator Wintrow** followed up and asked Mr. Ross to elaborate on why he would be a good Commissioner. **Mr. Ross** said that it was a great way to serve his community and demonstrate the importance of having diverse representation on the Commission. **Chairman Lakey** acknowledged Mr. Ross' religious background and asked how that would help him in this role. **Mr. Ross** stated that his years of service as a pastor had exposed him to many types of individuals and made him more aware of the importance of a safe community. **Senator Hart** asked Mr. Ross how he would know when to apply judgement and when to apply mercy. **Mr. Ross** responded that he believed mercy was not giving people what they deserved. He would have to look at the nature of what the individual did and whether he felt they were safe to put back into the community. **Senator Hartgen** acknowledged Mr. Ross had a Bachelor's degree in Criminal Justice and asked how it worked for him in this position. **Mr. Ross**

explained how the terminology was difficult to ascertain, but his degree had been helpful in picking up on the terminology.

GUBERNATORIAL REAPPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment of Patrick McDonald** of Boise, Idaho to the Commission of Pardons and Parole (Commission) to serve a term commencing January 1, 2024 and expiring January 1, 2027. Mr. McDonald had 43 years of experience in the criminal justice system. He was with the Idaho State Police for 33 years, and then was appointed U.S. Marshall for Idaho by President George W. Bush. **Mr. McDonald** stated although not easy, his career had been rewarding.

DISCUSSION: **Senator Wintrow** asked Mr. McDonald what characteristics he possessed that made him a good match for this position. **Mr. McDonald** responded and stated his experience in law enforcement made him able to see situations that many did not, and this had given him insight. It was also important for the process to have balance.

Chairman Lakey questioned what he observed when it came to those who were incarcerated completing programming before coming to the Commission for consideration. **Mr. McDonald** said that the State of Idaho was good at preparing those to be released, and programming was a critical part of the success.

Senator Wintrow stated she appreciated Mr. McDonald's balanced approach.

PASSED THE GAVEL:

Chairman Lakey passed the gavel to Vice Chairman Foreman.

DOCKET NO. 11-0701-2301

Rules Relating to Governing Motor Vehicles. Bill Gardner, Lt. Colonel, Idaho State Police (ISP) stated that **Docket No. 11-0701-2301** covered a unique topic that Idaho code does not. Changes were made to a handful of websites. No substantive changes were made, particularly when it came to regulatory issues.

MOTION:

Senator Anthon moved to approve **Docket No. 11-0701-2301**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 11-0703-2301

Rules Relating to Governing Emergency Vehicles/Authorized Emergency Vehicles. Bill Gardner, Lt. Colonel, Idaho State Police (ISP) said this focused specifically on emergency vehicles that were designated by the Idaho State Police Director. **Docket No. 11-0703-2301** outlined the designation process. No substantive changes were made.

MOTION:

Senator Wintrow moved to approve **Docket No. 11-0703-2301**. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 11-1001-2301

Rules Relating to Governing Idaho Public Safety and Security Information System. Leila McNeill, Bureau Chief of Criminal Investigation at the Idaho State Police, stated there were no changes to this rule.

DISCUSSION:

Chairman Lakey questioned if this rule was the same fees passed last year. **Chief McNeill** replied yes. **Chairman Lakey** followed up and asked why the 2014 rules were crossed out and 2023 was inserted. **Chief McNeill** responded and stated the last time the fees were updated was 2014. **Chairman Lakey** asked for clarification if there was a fee increase this year. **Chief McNeill** clarified there was no additional fee increase and that it was implemented last year. **Chairman Lakey** asked if the rule and fee change was implemented through the committee last year. **Chief McNeill** said it was approved by the committee last year but ran out of time and became a temporary rule. **Senator Wintrow** confirmed the time ran out last year. **Senator Lee** asked if Chief McNeill received any feedback on the fees in the interim. **Chief McNeill** replied that she reached out to agency users and received no negative feedback, and the fee structure was implemented in October. **Chairman Lakey** asked to confirm there was no concern from those who were paying the fees. **Chief McNeill** responded that was correct.

MOTION: **Senator Lee** moved to approve **Docket No. 11-1001-2301**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

DOCKET NO.: **Rules Relating to Governing Idaho State Veterans Cemeteries**. **Mark Tschampl**, Chief Administrator for the Idaho Division of Veterans Services, stated **Docket No. 21-0104-2301** expanded eligibility for burial in the Idaho State Veteran Cemeteries to the traditional National Guardsmen and Reservists. Redundant language was also removed.

DISCUSSION: **Chairman Lakey** expressed his appreciation for this rule and asked if there was enough room for the additional burials. **Chief Tschampl** confirmed there was enough room. He anticipated this would increase burials 40-50 per year.

MOTION: **Chairman Lakey** moved to approve **Docket No. 21-0104-2301**. **Senator Hart** seconded the motion. The motion carried by **voice vote**.

DOCKET NO.: **Rules Relating to the Commission of Pardons and Parole**. **Ashley Dowell**, Executive Director of the Commission of Pardons and Parole, said the goal of this rule was to remove unnecessary language and provide clarity. No substantive changes were made.

MOTION: **Senator Hartgen** moved to approve **Docket No. 50-0101-2301**. **Chairman Lakey** seconded the motion. The motion carried by **voice vote**.

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

ADJOURNED: There being no further business, **Chairman Lakey** adjourned the Committee at 2:00 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary

Victoria Fitzpatrick
Assistant Secretary