

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, February 21, 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 Senate Judiciary and Rules Committee (Committee) to order at 1:30 p.m.

S 1327 UNLAWFUL DETAINER - Adds to existing law to provide for the shielding of certain records regarding unlawful detainer. Senator Rabe , pursuant to Senate Rule 39(h), disclosed conflict. She explained that there were currently no eviction shielding laws in Idaho. An eviction record could prevent individuals from obtaining employment and housing. **S 1327** would shield eviction records in cases where the unlawful detainer was dismissed, three years had passed, and there was no pending appeal. The courts have the technology to implement this legislation. **Senator Rabe** stated it would incentivize tenants to show up for court and pay what they owed. She also addressed how the number of evictions had almost doubled since 2022.

TESTIMONY: **Evan Stewart**, Program Director, Jesse Tree, testified in support of **S 1327**. He stated evictions were rising, and rental prices had increased by 40% in the Treasure Valley. Evictions usually occurred because of temporary inability to pay rent due to medical emergencies, missed work, childcare, and vehicle repairs. **Mr. Stewart** said this legislation would incentivize tenants to pay their landlords, increase communication, and reduce evictions.

TESTIMONY: **Kendra Knighton**, Idaho Asset Building Network, testified in support of **S 1327**. **Ms. Knighton** stated that children and families experienced better education, health, and socioeconomic outcomes when they lived in homes that were affordable. She explained that burdensome rental prices and a shortage of affordable homes made it harder on renters, and resulted in evictions rising. 90 percent of families were evicted for the first time and consequences could be devastating. **Ms. Knighton** stated women who earned low incomes had the highest risk of being evicted, along with domestic violence survivors and families with children.

TESTIMONY: **Spencer Henderson**, President of the National Association of Residential Property Managers, Southwest Idaho Chapter, testified in support of **S 1327**. **Mr. Henderson** stated the hardest part of his job was evictions, and gave an example of a difficult situation he experienced. He explained that this legislation would give property managers flexibility to work with tenants to shield records.

TESTIMONY: **Tyler Wolters**, Executive Director of the Idaho Apartment Association, testified in support of **S 1327**. **Mr. Wolters** stated this legislation would allow those who had fallen on hard times a second chance, and shared a story of when he had a misdemeanor shielded from his record.

- DISCUSSION:** **Chairman Lakey** asked Mr. Wolters to share his thoughts on there not being anything in the legislation that required tenants to remain current on their rent to maintain the shielding. **Mr. Wolters** responded that there was minimal concern, and the bill was more beneficial for first time offenders. **Senator Foreman** expressed concern about not being able to access a potential tenant's rental history. **Mr. Wolters** addressed the concern and explained how the legislation would benefit landlords because more tenants would pay what they owe. In closing, **Senator Rabe** clarified that both landlords and tenants were in support of **S 1327**, and that it would only shield dismissed records. She stated that it was federal law for eviction records to be shielded from bureaucratic reports after seven years. **Senator Rabe** addressed Chairman Lakey's concern of revocation and stated the courts technology did not have the capacity, and reiterated that if an individual got evicted again and there was a judgement, it would stay on their record.
- MOTION:** **Senator Wintrow** moved to send **S 1327** to the floor with a **do pass** recommendation. **Senator Ruchti** seconded the motion.
- DISCUSSION:** **Senator Wintrow** stated how important it was that the stakeholders came together in support of this legislation.
- MOTION:** The motion carried by **voice vote**. **Senator Foreman** and **Chairman Lakey** requested to be recorded as voting **nay**. **Senator Anthon** reserved his right to change his vote at a later time.
- S 1328** **RUNAWAYS - Amends existing law to provide an exemption for certain violations for licensed children's residential care facilities and behavioral youth crisis centers that provide emergency runaway services.** **Senator Rabe** stated **S 1328** amended Idaho Code 18-1510, with the intent to ensure licensed youth shelters were not guilty of a violation for housing a runaway child under specific circumstances. These included the obtaining the child's consent, if the shelter was unable to locate the parent or legal guardian or the child refused to disclose that information, and if the county sheriff or local law enforcement was notified. **Senator Rabe** said this code had not been updated since the 1980s, and, currently, licensed youth shelters were subjected to a misdemeanor if they sheltered a runaway without parent or legal guardian consent. This was an issue due to many runaway children coming from abusive households, and they should not be turned away from a safe place to stay. **Senator Rabe** addressed a possible amendment to add additional clarification to the definition of a behavioral health crisis center.
- DISCUSSION:** **Senator Anthon** commended Senator Rabe for her advocacy, and asked for clarification on the steps licensed youth shelters would have to take before care was provided. **Senator Rabe** responded and stated under this amendment to the code, if they followed the steps outlined in the legislation they would be protected from a misdemeanor.
- TESTIMONY:** **Kendra Knighton**, Idaho Asset Building Network, testified in support of **S 1328**. She stated that adolescents and teens experiencing homelessness or unstable housing faced higher risk for poor physical, mental, and sexual health outcomes, and an increased risk for suicide. She emphasized the importance of having access to resources that ensure safety and shelter.
- DISCUSSION:** **Senator Wintrow** asked Ms. Knighton how children could find the resources available to them. **Ms. Knighton** replied that she was not the best person to answer.
- TESTIMONY:** **Michelle King**, President/Co-Founder, LC Valley Youth Resource Center, requested that the word "institutions" be added to **S 1328**, in order for her center to be included.

- DISCUSSION:** **Senator Wintrow** asked Ms. King what services were available to the children at the LC Valley Youth Resource Center, and expanded on her own experience visiting a youth crisis center in Boise. **Ms. King** responded and listed their services which included snacks, clothing, showers, laundry, dinner, and mentors. They also helped get children connected to services they needed. **Senator Wintrow** followed up and questioned what happened if the children needed medications. **Ms. King** said they would come alongside children on their journey, but mental health care in their rural community was difficult. Telehealth was utilized and a new behavioral center was being built.
- Chairman Lakey** asked **Ms. King** if institutions were defined in Idaho Code. **Ms. King** explained there was a vetting process to receive that classification. **Chairman Lakey** asked if it was protocol at her center to try to contact parents and law enforcement. **Ms. King** said yes, if the children intended on staying overnight. If parents could not be reached, they contacted law enforcement.
- TESTIMONY:** **Ryan Jones**, Pathways of Idaho, testified in support of **S 1328**. He stated in his experience, most children that sought their resources were escaping a bad situation. They attempted to contact legal guardians and law enforcement. **S 1328** would allow them to act immediately and provide care and shelter. They would be able to serve their community more effectively without the fear of legal consequences.
- TESTIMONY:** **Jordan Downey**, with the Idaho Youth Action Board, testified in support of **S 1328**. **Ms. Downey** emphasized the importance of this legislation and how it could save lives.
- TESTIMONY:** **Dr. Lynn Laird** asked what **S 1328** would add that was not already in Idaho Code.
- DISCUSSION:** **Senator Rabe** clarified for Dr. Laird that in current code, licensed youth shelters could be prosecuted for a misdemeanor. **S 1328** would protect them from being prosecuted for providing care, as long as the steps specified in the legislation were taken. **Senator Rabe** agreed that licensed children's institutions should be included in the bill, per Ms. King's testimony.
- MOTION:** **Senator Wintrow** moved that **S 1328** be sent to the 14th Order for possible amendment. **Senator Lee** seconded the motion.
- DISCUSSION:** **Chairman Lakey** suggested striking certain language to clarify between affirmative defense and it not being a crime. He also recommended clearly stating that the shelter had a duty to attempt to contact parents. **Senator Rabe** responded and said she could include duty to contact, but felt the rest should be kept the same due to ensuring it would not protect those who should not be sheltering youth. **Chairman Lakey** agreed.
- Senator Wintrow** emphasized her appreciation for the legislation, and highlighted the importance of safe shelters for youth.
- MOTION:** The motion for **S 1328** to be sent to the 14th Order for possible amendment carried by **voice vote**.
- S 1329** **PARENTAL RIGHTS - Adds to existing law to provide for parental rights in medical decision-making.** **Senator Anthon** explained that unless ordered by a court or in the event of a medical emergency, a health care service should not be provided to a child without parental knowledge. Parents should also not be denied access to their child's health information, unless prohibited by a court order.

- DISCUSSION:** **Senator Wintrow** asked if there was a safety net for children who may not have good parents. **Senator Anthon** responded it was up to the courts to step in. **Senator Wintrow** followed up and asked if this bill conflicted with federal laws. **Senator Anthon** said he did not think so. **Senator Foreman** expressed support for **S 1329**. **Senator Ruchti** explained he interpreted a section of the bill to provide immunity to abusive parents in the case a medical provider does not follow the legislation. **Senator Anthon** disagreed. **Senator Ruchti** asked for clarification on Section 12 (B) of **S 1329**. **Senator Anthon** stated he did not believe the statute pertaining to incest or rape provided an affirmative defense for an abusive parent.
- TESTIMONY:** **Kristi Hardy** testified in support of **S 1329**. **Ms. Hardy** stated she felt appalled when her 14 year old son's permission was required for her to access his medical records.
- TESTIMONY:** **Brittany Shipley** , a social worker, testified in opposition of **S 1329**. **Ms. Shipley** emphasized the importance of youth ages 14 and older to have autonomy and be able to safely access mental health resources.
- DISCUSSION:** **Senator Wintrow** asked Ms. Shipley to expand on the Children's Mental Health Act and her specific concerns with **S 1329**. **Ms. Shipley** responded and stated the Children's Mental Health Act addressed the lack of youth behavioral health care at an acute crisis level. She expressed concern about the section in **S 1329** in which, if there was an active investigation, parents would not be able to access medical records. She explained instances where it was necessary for parents to access records such as seeking to admit their children into a psychiatric institute. **Senator Wintrow** asked what rights children had under the Children's Mental Health Act. **Ms. Shipley** said it provided privacy for behavioral health records of children 14 years and older. She expressed concern about parents having full access to those records impeding on her ability to create a safe plan for children in cases of abuse.
- TESTIMONY:** **Jennifer Arzola** testified in support of **S 1329**. **Ms. Arzola** explained a situation she went through with her teenager receiving treatment without her knowledge.
- TESTIMONY:** **Dr. Kathryn Reese** testified in opposition of **S 1329**. **Dr. Reese** stated the bill was against the appropriate medical standard of care. She expressed concern about legal ambiguity in the legislation and potential risks for providers.
- DISCUSSION:** **Senator Anthon** stated the bill was straightforward in that nobody had the right to keep secrets from parents. He said the bill did not protect abusive or neglectful parents, and that parents knew their children best and should not be deprived of information. **Senator Foreman** stated a personal opinion, sympathizing with Ms. Arzola's story.
- MOTION:** **Senator Foreman** moved to send **S 1329** to the floor with a **do pass** recommendation. **Senator Ricks** seconded the motion.
- DISCUSSION:** **Senator Wintrow** stated nobody was trying to keep vital information a secret from parents. She said parental protections were already broad, and the mental health care of youth was important. **Senator Wintrow** explained that youth should have some autonomy to their bodies and choices. She expressed the importance of having safety nets, and called for more protection for kids and young adults. **Senator Ruchti** said if all parents were good parents, he would not have an issue with the bill. He reiterated his concern about Section 12 (B).
- MOTION:** The motion to send **S 1329** to the floor with a **do pass** recommendation carried by **voice vote**. **Senator Wintrow** and **Senator Ruchti** voted nay.

NOTE: Due to time constraints, the final item on the agenda, **S 1348**, would be brought up at another meeting.

CONVENED: There being no further business to come before the Committee, **Chairman Lakey** adjourned the meeting at 3:05 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary

Victoria Fitzpatrick
Assistant Secretary