

November 29, 2021

The Honorable Brad Little  
Governor of the State of Idaho  
Boise, Idaho 83702  
STATEHOUSE MAIL

Re: Defects in the Law

Dear Governor Little:

Under article V, section 25 of the Idaho Constitution, on or before December 1<sup>st</sup> of each year, the Supreme Court shall submit to the Governor, for transmission to the Legislature, such defects and omissions in the laws as the Court may find to exist.

In keeping with this constitutional provision, I submit the following defects in the law found by the Court or submitted to the Court by the trial bench, along with suggested changes to remedy the defects.

1. **Recommend specifically listing judges of the Court of Appeals as subject to the statutory discipline process of the Idaho Judicial Council (I.C. § 1-2103).**

I.C. § 1-2103 sets forth the disciplinary procedure of the Idaho Judicial Council and applies the procedure to justices of the Supreme Court and district judges. Since Court of Appeals judges are not specifically referenced as being subject to this process, we suggest the statute be amended to correct this apparent oversight.

2. **Suggest amending the statutes pertaining to renewal of a driver's license to permit renewal of suspended licenses (I.C. §§ 49-303 and 49-319).**

The provisions of Title 49, Chapter 3 currently prohibit renewal of all suspended driver's licenses, and the expiration of such licenses, especially when a generally suspended license belongs to a person provided limited driving privileges by court order, creates unnecessary procedural problems for courts and probationers. Therefore, in order to remove the avoidable procedural obstacles, it is recommended that I.C. §§ 49-303 and 49-319 be amended to allow persons with a suspended driver's license to renew such licenses while continuing to subject the licenses to the suspension.

3. **Consider removing the citation to a non-existent statute from the section applying the powers and jurisdiction of district judges to divorce cases (I.C. § 32-715).**

I.C. § 32-715 applies the powers and jurisdiction of district judges to divorce actions, but errantly states that such powers and jurisdiction are granted "by section 1-901." I.C. § 1-901

has been repealed, and thus, we recommend removing the reference to this non-existent statute from I.C. § 32-715.

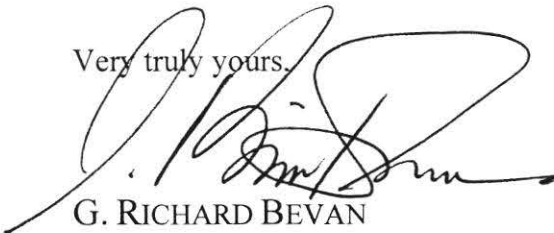
4. **Recommend removing an inaccurate term from the section authorizing administrative judges to delegate to other judges their duties and responsibilities under the Uniform Jury Selection and Service Act (I.C. § 2-219).**

Per I.C. § 2-219, an administrative district judge may delegate their uniform jury act duties to district judges or “duly appointed” magistrates. Since magistrates retained via election are “elected” rather than “appointed,” it is suggested the “duly appointed” term be removed from this statute.

5. **Suggest removing the “in triplicate” filing requirement for certain reports related to the competency of criminal defendants (I.C. §§ 18-211 and 18-212).**

I.C. §§ 18-211 and 18-212 currently require that reports related to a criminal defendant’s fitness to proceed to trial be filed with the court “in triplicate.” Since Idaho’s case management system enables the electronic filing and service of these documents, multiple copies are no longer necessary. As a result, we recommend the elimination of the requirement that these competency reports be filed “in triplicate.”

Very truly yours,



G. RICHARD BEVAN  
Chief Justice

cc: President *pro tem*  
Speaker of the House  
Administrative Director of the Courts