

IN THE SENATE

SENATE JOINT MEMORIAL NO. 104

BY JUDICIARY AND RULES COMMITTEE

A JOINT MEMORIAL

1
2 TO THE PRESIDENT OF THE UNITED STATES, TO GOVERNOR BRAD LITTLE, AND TO THE
3 CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CON-
4 GRESS OF THE UNITED STATES.

5 We, your Memorialists, the Senate and the House of Representatives of
6 the State of Idaho assembled in the First Regular Session of the Sixty-sixth
7 Idaho Legislature, do hereby respectfully represent that:

8 WHEREAS, it is the policy of the state of Idaho and its local governments
9 to advance and defend a balanced, dynamic criminal justice partnership with
10 the federal government; and

11 WHEREAS, Congress and the Biden Administration should avoid federaliz-
12 ing crime policy and substituting national laws for state and local policy
13 decisions affecting criminal and juvenile justice, and federal jurisdiction
14 should be reserved for areas where a national problem has been identified and
15 states are unable to adequately provide solutions due to scope or where it is
16 required to protect federal constitutional rights; and

17 WHEREAS, Congress and the Biden Administration must recognize that
18 states and local governments have the predominant responsibility to ensure
19 public safety and the administration of justice and must adhere to fundamen-
20 tal principles of federalism in all areas of criminal justice; and

21 WHEREAS, states diligently strive to improve criminal justice systems
22 and policies and recognize that federal funding is sometimes necessary to
23 implement state reforms in this area, and funding levels for Department of
24 Justice grants and reimbursements to states should be maintained; and

25 WHEREAS, the state of Idaho joins the National Conference of State Leg-
26 islatures in opposing congressional proposals or federal regulations that
27 would withhold a portion of state criminal justice grants or other funding as
28 a penalty for noncompliance with federal criminal justice policies and op-
29 poses the withholding of any federal criminal justice funding as a penalty
30 for state policy choices; and

31 WHEREAS, the state of Idaho urges the federal government to respect
32 state criminal justice priorities and pursue partnerships rather than man-
33 dates.

34 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Ses-
35 sion of the Sixty-sixth Idaho Legislature, the Senate and the House of Rep-
36 resentatives concurring therein, that the state of Idaho affirms its com-
37 mitment to the Tenth Amendment of the United States Constitution that is the
38 cornerstone of constitutional federalism and reserves broad powers to the
39 states and to the people and that Congress and the Biden Administration must
40 allow states their authority to shape public policy in all areas of criminal
41 justice.

42 BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is
43 hereby authorized and directed to forward a copy of this Memorial to the

1 President of the United States, to Governor Brad Little, and to the congres-
2 sional delegation representing the State of Idaho in the Congress of the
3 United States.