

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, March 20, 2017

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan (Ringo)

**ABSENT/
EXCUSED:** None

GUESTS: Paul Riggins, self; Aleshea Boals, Canyon County Sheriff; Shelby Parker, Ada County Prosecution; Susan Ledford, Idaho Victim Witness Association; Paul Cassell, self; Tammara Tarvin, ISA; Elisa Massoth, Idaho Association of Criminal Defense Lawyers; Dennis Stevenson, Office of the Administrative Rules Coordinator; Savannah Slater, Idaho Association of Counties; Sheriff Keeran Donahue, Canyon County; Holly Koole-Rebholtz, Idaho Prosecuting Attorneys Association; John Cross, self; Teresa Baker, Idaho Association of Counties; Skip Smyser, Lobby Idaho.

Chairman Loertscher called the meeting to order at 8:30 a.m.

SCR 120: **Dennis Stevenson**, Rules Coordinator, Office of Administrative Rules, presented **SCR 120**, a concurrent resolution that approves agency rules imposing a fee or charge that were adopted during the prior calendar year and were submitted through the Office of Administrative Rules Coordinator to the Legislature for review during the 2017 legislative session, with two exceptions, which shall be in full force and effect upon the adoption of the concurrent resolution or upon the date specified in the administrative rule.

MOTION: **Rep. Luker** made a motion to send **SCR 120** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Manwaring** will sponsor the bill on the floor.

SCR 121: **Dennis Stevenson**, Rules Coordinator, Office of Administrative Rules, presented **SCR 121**, a concurrent resolution that approves and extends state agency temporary rules beyond the current legislative session with the exceptions.

MOTION: **Rep. Monks** made a motion to send **SCR 121** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Scott** will sponsor the bill on the floor.

SJR 103: Continuation of the meeting of March 17, 2017.

Paul Cassell, self, spoke in support of **SJR 103** and stated he has been working as a crime victim attorney for many years and victims rights are just as important as defendant's rights. He stated time has exposed gaps in the current victims rights that was added to the Idaho Constitution in 1994. He stated the new language expands the right for an extension of rights of reasonable protection and the right to confer with prosecutors which is also important for crime victims. He stated the fiscal impact of the bill will be minimal, the same fears were heard in 1994 when the original language regarding victims rights was added to the constitution over 20 years ago and nothing bad has come about.

In response to committee questions, **Mr. Cassell** stated 35 other states have similar legislation in their statutes to protect the rights of crime victims. He stated the definition of victim can be changed via statute, but their rights cannot. He stated the rights of the accused would not be denied, the bill simply allows for victims to have their voice heard in court proceedings. He stated the bill would not create a right for victims to have court appointed counsel but would allow them to acquire counsel if they want. He stated the bill is necessary because a statute can't assert a constitutional right. He stated permitting crime victims the right to appear in criminal proceedings allows the judge to see there is another party involved; yet does not allow for a victim to determine how a criminal trial should be conducted, that is up to the judge. He stated that a "reasonable protection" would be determined by the judge as well.

Silvia Flores, representing herself, spoke **in support** of **SJR 103** and stated she is a crime victim and believes the bill would benefit crime victims and their families by making notifications more accessible and allowing victims the right to be heard by a judge. **Sheriff Donahue**, Canyon County, spoke **in support** of **SJR 103** and stated law enforcement is concerned with public safety and they are happy to escort crime victims to hearings, etc. He stated there is no cost too high to protect victims.

Ian Thompson, Idaho State Public Defense Commission, spoke **in opposition** to **SJR 103** and stated a constitutional amendment already exists for crime victims and the new language is vague and ambiguous. He stated the increase in rights to crime victims creates a fundamental unfairness to defendants. **Elisa Massoth**, Idaho Association of Criminal Defense Lawyers, spoke **in opposition** to **SJR 103** and stated the costs associated with the bill could include the cost of additional hearings, training for police officers, software and record keeping for notifications, additional public defenders,

Due to time constraints, **SJR 103** will be carried over to the meeting of March 21, 2017 at 8:00 a.m.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:24 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary