

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Thursday, January 17, 2019

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Dayley, Vice Chairman Chaney, Representatives Kerby, Amador, Zito, Zollinger, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Wintrow, Davis

**ABSENT/
EXCUSED:** Representative Troy

GUESTS: Blake Brumfield, Cam Gilliland, Miren Unsworth, Department of Health & Welfare; Barry Wood, Jason Spillman, Idaho Supreme Court; Ruby Mendez-Mota, ACLU-ID

Chairman Dayley called the meeting to order at 1:31 p.m.

Chairman Dayley reviewed committee procedures for RS introduction hearings.

RS 26427C1: **Blake Brumfield**, Program Manager of the Developmental Disability Crisis Prevention and Court Services program in the Division of Family & Community Services presented the RS. This proposed legislation requires the use of a specially trained three-member developmental disability team comprised of a social worker, psychologist and physician when evaluating developmentally disabled defendants. This can result in better outcomes by arriving at a more accurate opinion on competency to stand trial. The proposed bill was shared with and supported by a broad range of stakeholders.

MOTION: **Rep. McCrostie** made a motion to introduce **RS 26427C1. Motion carried by voice vote.**

RS 26516: **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, Idaho Supreme Court presented **RS 26516**. It along with other proposed legislation addresses the requirement of the Courts under Section 25 article 5 of the Constitution to identify and correct defects in the law. This RS changes the "cooling off" period prior to final decree in divorce proceedings from twenty (20) days to twenty-one (21). This is consistent with ongoing efforts to standardize the filing periods across the Courts to seven (7) day increments.

MOTION: **Rep. Wintrow** made a motion to introduce **RS 26516. Motion carried by voice vote.**

RS 26517: **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, Idaho Supreme Court presented **RS 26517**, which proposes to amend a DUI penalty bill. This respectively replaces the terms "alcohol evaluation facility" and "substance abuse" with the terms "substance use disorders service provider" and "substance abuse disorder". The terms are no longer used and the revisions conform with language used by the Department of Health and Welfare.

MOTION: **Rep. Kerby** made a motion to introduce **RS 26517. Motion carried by voice vote.**

RS 26518: **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, Idaho Supreme Court presented **RS 26518**. It pertains to section I.C. §19-4404, which requires oral statements for obtainment of search warrants to be recorded and transcribed. However, transcribed statements are rarely used and it results in extensive cost to the counties. This amends the code to ensure preservation of the recordings, but allows for transcription "if requested".

- MOTION:** **Rep. Davis** made a motion to introduce **RS 26518. Motion carried by voice vote.**
- RS 26519:** **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, Idaho Supreme Court presented **RS 26519**, which removes references to the term "sexual" from sex offender registration statutes relating to the crime of forcible penetration by use of a foreign object. The word "sexual" was removed in 2018 from I.C. §18-6608, which governs crimes of forcible penetration by use of a foreign object. This change aligns the language in that statute.
- MOTION:** **Rep. Chaney** made a motion to introduce **RS 26519. Motion carried by voice vote.**
- Chairman Dayley** turned the gavel over to **Vice Chairman Chaney.**
- RS 26559:** **Rep. Dayley** presented the **RS 26559.** The Legislature didn't have an ethics rule before 1990, and it was last amended in 2013. With the adoption of the Respectful Workplace policies, the Speaker asked the Chief Clerk of the House to review the Ethics Committee rule to see if anything needed to be done to support the new policies. At the same time, it opened the opportunity to look at the rule to determine if anything else needed to be updated or changed. The proposed resolution repeals and replaces House Rule 76, and more specifically supports the workplace policy, and includes several other key provisions that update the rule. The selection process of the committee has not changed. He provided an example of the type of technical changes that were made in the rule.
- MOTION:** **Rep. Gannon** made a motion to introduce **RS 26559. Motion carried by voice vote.**
- Vice Chairman Chaney** turned the gavel over to **Chairman Dayley.**
- Chairman Dayley** thanked the committee for their diligence in preparing for the meeting and asked for feedback on the electronic committee format.
- Comments from the committee included positive support for receiving documents ahead of time in OneDrive to review and prepare for the meeting; a request to see a version of the proposed House Resolution that highlights what was repealed or changed; and desired capability to digitally write on the electronic documents since they are replacing the paper versions. **Chairman Dayley** stated we would look into the requests and get back with the Committee at a later date.
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:55 p.m.

Representative Dayley
Chair

Wendy Carver-Herbert
Secretary