

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, February 13, 2019

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lakey, Vice Chairman Lee, Senators Anthon, Thayn, Grow, Cheatham, Burgoyne, and Nye

ABSENT/ EXCUSED: Lodge

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 meeting of the Senate Judiciary & Rules Committee (Committee) to order at 1:30 p.m.

PRESENTATION: **Gary Dawson**, PhD., Forensic Toxicologist, began his presentation going over a few general facts about the drug, fentanyl. **Dr. Dawson** stated that fentanyl is a synthetic opioid 50 times more potent than heroin and 100 times more potent than morphine. **Dr. Dawson** explained that it is typically seen as injections, transdermal patches, and lozenges. The drug began being used in the 1960s as an injectable used to treat moderate to severe pain. The mode of administering the drug through the transdermal patch became popular in the 1980s. The transdermal patch was effective at gradually administering the drug through the skin over a period of 48 to 72 hours. The drug was also very effective at treating individuals who couldn't tolerate opiates such as morphine and codeine. **Dr. Dawson** explained that in the late 1980s, there arose a problem with nurses taking used fentanyl patches and using them on themselves. Fentanyl is typically used to treat severe pain, such as pain associated with cancer and end of life palliative care. **Dr. Dawson** explained that non-pharmaceutical fentanyl is often mixed with heroin and/or cocaine or pressed into counterfeit pills, often without the user's knowledge. Most fentanyl is imported illegally from China and Mexico, with some local producers in the states contributing to the illegal manufacturing of the drug. **Dr. Dawson** stated that one kilogram of fentanyl is enough to kill 500,000 people. Most of the fentanyl that is produced locally does not survive the manufacturing process because the producers are killed by simply inhaling small doses of the drug. **Dr. Dawson** also explained that the drug is incredibly dangerous for first responders and DEA agents who come into close contact with it. Fentanyl labs and manufacturing locations are treated as some of the most dangerous hazardous material sites and extreme measures are taken to secure the lives of first responders and policemen. **Dr. Dawson** explained that carfentanil is thousands of times more potent than fentanyl and relatively easy to manufacture. Overdose rates of fentanyl and other related drugs has increased dramatically over the past few years and has become a serious problem (see Attachment 1).

DISCUSSION: **Chairman Lakey** asked Dr. Dawson if there is much anecdotal evidence of the prevalence of fentanyl. **Dr. Dawson** answered that there is anecdotal evidence, not only from people who have been affected by it, but from medical examiners and coroners who say the drug problem is getting much worse.

Senator Grow asked Dr. Dawson how he passes this information to law enforcement and how law enforcement is able to deal with something so difficult. **Dr. Dawson** answered that he does training with the Ada County Sheriff's Office, special investigators, and the Boise Police Department.

S 1045

Senator Patti Anne Lodge, District 11, explained that **S 1045** is about giving incarcerated people in Idaho's prisons the opportunity for work experience while in prison. This bill will not only help those incarcerated develop a greater work ethic, but it will help them become better citizens and provide them with greater opportunities when released from prison.

TESTIMONY:

Kevin Mickelson, General Manager, Idaho Correctional Industries, introduced Taja Newcomb, Tiana Landers, Matthew Nu'uvali, and Steve Cherry to testify in support of **S 1045**.

Taja Newcomb, Training Program Participant, at Symms Fruit Ranch, testified that the training program allows those incarcerated to develop greater confidence and tools that will allow them to succeed when they are released from prison.

DISCUSSION:

Senator Thayn asked Ms. Newcomb how many hours are worked in the program per week and if it is seasonal or year round. **Ms. Newcomb** answered that the program allows those incarcerated to work between 36 to 38 hours per week and it is year round work.

Chairman Lakey asked Ms. Newcomb how she found out about the program and how she qualified to participate. **Ms. Newcomb** answered that it was brought to her attention by a sergeant at the South Boise Women's Correctional Center where she was incarcerated.

TESTIMONY:

Tiana Landers, inmate at South Idaho Correctional Institution, testified that the work program has taught her the value of earning an honest living and has given her a new perspective on life. The work program has also provided her with experience and skills, which will allow her to have greater success and independence once released from prison.

DISCUSSION:

Vice Chairman Lee asked Ms. Landers if there are other opportunities for work in the program besides working in agriculture. **Ms. Landers** answered that there were opportunities to work in the kitchen and laundry room areas of the facility.

Senator Grow asked Ms. Landers how she plans on making the adjustment from living one way before prison, to living a different way once released. **Ms. Landers** answered that she is going to a six-month, faith-based program, which will help her transition into normal citizen life.

TESTIMONY:

Matthew Nu'uvali, former inmate at Idaho State Correctional Institution (ISCI), testified that the work program at the ISCI allowed him to learn valuable life lessons, such as honest work and integrity. **Mr. Nu'uvali** explained that the work experience he gained while in prison allowed him to be where he is today.

Steve Cherry, General Manager, CS Beef, explained that the work program has been a great opportunity to change the lives of inmates and to help provide his company with a great labor source and an ability to give back to the community. **Mr. Cherry** explained that there are 40 inmates who work at CS Beef and they have helped to stabilize its workforce and provide excellent work and service.

DISCUSSION:

Senator Thayn asked Mr. Cherry if he had any trouble finding workers prior to participating in the inmate work program. **Mr. Cherry** answered that he was struggling to find workers to do the work that he had available.

TESTIMONY: **Mr. Mickelson** concluded the presentation on **S 1045** by giving important information and statistics on the success rates of the work release program within the Idaho Correctional Institution and stated that the program has allowed many former inmates to gain employment and self worth following their release from prison. **Mr. Mickelson** stated that the work program also reduces the amount of violence among inmates and the cost of incarceration (see Attachment 2).

DISCUSSION: **Senator Grow** asked Mr. Mickelson how he finds employers who are willing to participate in the program and how he selects and qualifies inmates to work. **Mr. Mickelson** answered that those who qualify for the program are those inmates who are in minimum security custody and he typically is able to find employers by word of mouth.

TESTIMONY: **Trent Clark** of Bayer US, and **Delon Lee** of the Idaho Farm Bureau, testified in favor of **S 1045**.

MOTION: **Senator Cheatham** moved to send **S 1045** to the floor with a **do pass** recommendation. **Vice Chairman Lee** seconded the motion. The motion carried by **voice vote**.

Chairman Lakey indicated that **RS 26693** and **RS 26853** would not be heard today.

MOTION: **Vice Chairman Lee** moved to print **RS 26633C3, RS 26679, RS 26852, RS 26854, RS 26857, RS 26862, RS 26863, RS 26872**. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

PAGE RECOGNITION: **Chase Knott**, Idaho Senate Page, expressed his gratitude and appreciation for the Committee members, as well as the opportunity and experience the page program offered him this session.

ADJOURNED: There being no further business, **Chairman Lakey** adjourned the meeting at 2:45 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary

Jacob Garner
Assistant Secretary