

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Friday, March 17, 2017

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Luker, Vice Chairman Malek, Representatives Perry, Dayley, Trujillo, McDonald, Cheatham, Kerby, Nate, Chaney, Amador, Hanks, Zito, Zollinger, Gannon, McCrostie, Wintrow

**ABSENT/
EXCUSED:** Rep. Malek, Perry and Kerby

GUESTS: Sandy Jones, Parole Commission; Tiffany Hales, Attorney; Joe Foster, Tates Rents; Jennifer Guittari, Idaho Legal Aid Services; J.C. Harris, Sam Castillo, ARA of Idaho; Matthew Gaumette, Lyndi Hall, Dawn Peck, Charlie Spencer, ISP; Renea and Brian Prindle; Katheryn Bishop; Michael Henderson; Kathey Griesmeyer, ACLU

Chairman Luker called the meeting to order at 1:30 P.M.

MOTION: **Rep. Gannon** made a motion to approved the minutes of February 15, 21, and 27 of 2017 **Motion carried by voice vote.**

MOTION: **Rep. Wintrow** made a motion to approved the minutes of February 23, 2017. **Motion carried by voice vote.**

S 1120: **Rep. Youngblood**, presented **S 1120**, which observes the current law provides a property owner who rents a home and has a tenant that does not pay rent under a lease will have a hearing or trial on the issue within twelve days of filing the complaint and service of the summons. This bill provides a property owner who has someone take up residence in the owner's property without the owner's awareness or permission the ability to have an expedited trial within 72 hours to determine whether the person must vacate the premises.

Tiffany Hale, Sen. Lakey, Brian Prindle spoke in support of **S 1120** stating this legislation will fix squatter issues in Idaho not directed at domestic violence situations.

Jennifer Guittari, Idaho Legal Aid Services, spoke in opposition of **S 1120** with concerns for victims of domestic violence being displaced.

MOTION: **Rep. McDonald** made a motion to send **S 1120** to the floor with a **DO PASS** recommendation. Motion carried by a voice vote. **Rep. Youngblood** will sponsor the bill on the floor.

S 1125: **Sen. Burgoyne**, presented **S 1125**, which permits the Idaho Supreme Court to seize state tax refunds to satisfy delinquent debts owed to the courts. Such debts include fines, court costs, surcharges, penalties, fees, restitution, the cost of indigent defense services and "other charges" (which could include costs of supervision for probationers and parolees) in a criminal or civil case judgment or payment agreement. This legislation amends the statute to require that payment agreements subject to tax refund seizures (i) be filed with the court and placed in its case file; (ii) be approved by the court; (iii) provide that all payments shall be made to the clerk of the court; and (iv) notify taxpayers of payment due dates, the statute's tax refund seizure remedy for enforcing payment and the statutory right to object to seizure. The legislation further amends the statute to make clear that those who skip some monthly payments after previously paying ahead, but whose aggregate payments still equal or exceed the total amount of required payments,

will no longer be regarded as "delinquent." The legislation includes other changes to promote consistent and appropriate administration, removes the reference to civil cases as tax refund seizures are not used for them, and makes clarifying and technical changes in terminology.

MOTION: **Rep. Zollinger** made a motion to send **S 1125** to the floor with a **DO PASS** recommendation. Motion carried by a voice vote. **Rep. Zollinger** will sponsor the bill on the floor.

S 1105: **Sen. Burgoyne**, presented **S 1105**, which provides that the willful or intentional failure to return a rented vehicle within 48 hours of the time set for return in a written rental agreement constitutes theft. This legislation broadens that provision to state that the willful or intentional failure to return rented equipment within 48 hours of the time set for return in a written rental agreement also constitutes theft.

MOTION: **Rep. Trujillo** made a motion to send **S 1105** to the floor with a **DO PASS** recommendation. **Rep. Wintrow** will sponsor the bill on the floor.

S 1109: **Sen. Burgoyne**, presented **S 1109**, which would allow the commissioners to review applications for parole, pardon, commutation, or firearm restoration in executive session for the limited purpose of deciding whether a hearing will be held. If the commission decided to grant a hearing for the applicant it would be scheduled during the regular hearing session and would be subject to the open meeting laws. This amendment would also allow the commission to deliberate and make a decision in executive session to grant or deny a firearm restoration application. The commission receives restoration of firearm applications in addition to pardon and parole applications. This created additional staff hours to efficiently process and prepare applications for review and hearings.

In response to questions, **Sandy Jones**, Director Idaho Parole Commission, said the actions will be carried out by a full board of members.

MOTION: **Rep. Trujillo** made a motion to send **S 1109** to the floor with a **DO PASS** recommendation. Motion carried by a voice vote. **Rep. Trujillo** will sponsor the bill on the floor.

S 1088: **Major Charlie Spencer**, Idaho State Police, presented **S 1088**, which would require an estimated 300 individuals each year that move to Idaho who have been convicted of a sex crime to register as a sex offender, have DNA testing as well as register as. Sex offenders moving to Idaho are not currently required to submit a DNA sample in Idaho under the DNA Database Act, section 19-5506, Idaho Code. This legislation would amend Idaho's DNA Database Act, section 19-5506, Idaho Code, to require DNA collection from any person required to register pursuant to the Sexual Offender Registration Act, sections 18-8304 and 18-8410, Idaho Code. There are also currently 1,535 sex offenders on the Idaho Sex Offender Registry that have not had DNA collected. This amendment provides for a verification process to section 19-5507(9), Idaho Code, to ensure that the DNA has been collected in Idaho. Further, a collection facility will not be required to collect a DNA sample if one already exists in the Idaho DNA database. This verification will eliminate costly duplicate sample collection and ensure that a sample is collected from each individual on the Idaho Sex Offender Registry.

In response to questions, **Major Spencer** said this will be available to a nation wide database.

MOTION: **Rep. McDonald** made a motion to send **S 1088** to the floor with a **DO PASS** recommendation. Motion carried by a voice vote.**Rep. McDonald** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:30 P.M.

Representative Luker
Chair

Heidi McKay
Secretary