

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Thursday, January 25, 2018

TIME: 1:30 P.M.

PLACE: Room EW42

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

**ABSENT/
EXCUSED:** None

GUESTS: Geraint Morgan, Sandy Jones, Parole Commission; Julie Custer, Wendy Rancourt, Tracy Bicknell-Holmes, Gayle Wilde, Donora Looze, Karen Haven, Jim Haven, Jane Post, Sylvia Chariton, Gail Kirkpatrick, Kathy Scott, Paulette Penney, Judy L. Seevist, AAUW; Emily Jackson-Rodney, Catherine Fluete, ITHAL/Pride Foundation; Brody Aston, Legal Aid; Kimberly Conklin, Lisa Just, Luann Pettman, ICDVVA; Marilyn McAllister; Marc Schlegel, Interfaith Equality Coalition; Annie Pelletier, Idaho Coalition Against Sexual Violence; Carrie Maulin, Chief Clerk of the House; Jennifer Novak, Senate; Justice Cochran, Samantha Katana, Mistie Tolman, Dusty Ginner, Planned Parenthood; Eric Federicksen, SAPD; Kimberly Simmons, PDC; Maggie Smith, LSO, Holly Koole, IPAA

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

MOTION: **Rep. Wintrow** made a motion to approve the minutes of the January 15, 2018, meeting. **Motion carried by voice vote.**

SCR 125: **Carrie Maulin**, Chief Clerk of the House presented **SCR 125**, which amends Joint Rule 4 to confirm the existing practice of enrolling and engrossing bills.

In response to questions from the Committee, **Ms. Maulin** explained enrolling a bill passes both legislative houses and the Chief Clerk verifies it is an actual bill as passed by the Legislature. Engrossing is when amendments are made to an existing bill and the Clerk verifies whether amendments are included as passed.

MOTION: **Rep. McDonald** made a motion to send **SCR 125** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Malek** will sponsor the bill on the floor.

RS 25729C1: **Lisa Mason**, Administrator Legislative and Executive Affairs, Idaho Secretary of State Office, presented **RS 25729C1**. This legislation amends current law by allowing victims of human trafficking to participate in Idaho's Address Confidentiality Program. It also expands the law by allowing eligible violent crime victims to provide various forms of evidence in lieu of requiring a protection order prior to program enrollment.

MOTION: **Rep. Cheatham** made a motion to introduce **RS 25729C1**. **Motion carried by voice vote.**

RS 25789: **Rep. Wintrow** presented **RS 25789**. Currently, sexual assault is the only crime in Idaho where the victim's insurance is billed for forensic evidence collection. This RS amends current law by directing Idaho's Crime Victims Compensation Program to pay the entire cost of sexual assault evidence collection when done at a medical facility or justice center. Rep. Wintrow explained there are a multitude of details that need to be worked out with regard to including minor aged victims under this change. Therefore, at this time, this change only applies to adult victims. It was determined to be the most expedient way to address this matter.

MOTION: **Rep. Malek** made a motion to introduce **RS 25789**. **Motion carried by voice vote.**

Eric Fredericksen, State Appellate Public Defender, Appellate Public Defender's Office (SAPD) provided an overview of his agency, which provides relief to Idaho counties by representing indigent offenders in felony appeals and capital crime cases. The Capital Crimes Defense Fund provides important relief by covering defense costs in felony and death penalty appeals cases. He described an example where a county expressed an interest in withdrawing from the fund. His office was able to prove value to the county by showing SAPD provided more than \$700,000 in services, for the county's \$10,000 investment in the fund. In response to questions from the Committee, Mr. Fredericksen stated his office is getting to a more appropriate staffing level so it can more effectively manage case load. However, there are plans for a budgetary increase to improve the staff to attorney ratio. He said case load in 2017 went down significantly due to more counties using more Rule 11 agreements. This is a binding agreement to a plea of guilty, and an appeal is waved in those cases. While the number of cases are going down, the number of substantive cases are going up.

Sandy Jones, Executive Director, Idaho Commission of Pardons and Parole provided an overview and update on behalf of her agency. The Commission added two new commissioner positions last year and there are 20 parole hearing officers that carry a heavy load, but do a good job. The Commission is Idaho's releasing authority. Parole is not a given. Some release factors are statutory and others are Commission determined. Last year, the number of parole hearings increased significantly as a result of the change in statutory language for parole violators serving mandatory minimums. What was previously a matter of managing paperwork, now has become a required hearing. She discussed the changes implemented regarding revocations of parole, and highlighted the work of the Problem Solving courts that were implemented as a result of the Judicial Reinvestment Initiative. They are seeing some numbers go down, but it is too early to know whether the program is working to cut down the amount of time and number of parole violators going back to prison.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:29 p.m.

Representative Luker
Chair

Wendy Carver-Herbert
Secretary