

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Monday, January 16, 2012

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Darrington, Vice Chairman Vick, Senators Davis, Lodge, McKague, Mortimer, Nuxoll, Bock, and LeFavour

**ABSENT/
EXCUSED:**

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.

Chairman Darrington called the meeting to order at 1:30 p.m. and introduced the Intern, Alicia Lardieri to the Committee members. He then asked if there were minutes to approve.

MOTION **Vice Chairman Vick** moved that the minutes of **January 11, 2012** be approved as written. **Senator Mortimer** seconded the motion. The motion carried by **voice vote**.

RS 20834 **Relating to the Juvenile Corrections Act.**
Sharon Harrigfeld, Executive Director of the Department of Juvenile Corrections, explained that this legislation would redefine the words "juvenile" and "juvenile offender" to correct confusion within the Juvenile Corrections Act. She also said certain references to the Department of Health and Welfare were deleted or changed to reflect Idaho Department of Juvenile Correction's responsibilities.

MOTION **Senator Mortimer** moved, seconded by **Senator Lodge**, to print **RS 20834**. The motion carried by **voice vote**.

RS 20907 **Relating to Judges.**
Michael Henderson, Legal Counsel for the Idaho Supreme Court, explained that this bill attempts to clean up references to older local courts (probate courts, police courts, and justices of the peace) and substitute references to magistrate judges. The bill would also make some technical changes of requirements that are no longer applicable.

MOTION **Senator LeFavour** moved, seconded by **Senator Nuxoll**, to print **RS 20907**. The motion carried by **voice vote**.

RS 20899 **Relating to Homicide.**
Chairman Darrington first introduced Sandee Meyer, Executive Secretary of the Idaho Prosecuting Attorney Association, to the committee members. **Holly Koole**, Idaho Prosecuting Attorney Association, explained that this legislation is to amend the offenses listed in Idaho's current "felony murder rule" and to add the crime of unlawful discharge of a firearm. The proposed change would add murders committed during "drive-by-shootings" to the list. Language was added that says "where a reasonable person would know or have reason to know that such building or vehicle was occupied" to make clearer the intent of the perpetrator.

Senator Bock asked Ms. Koole if during presentation of the bill she would bring information of what other states have done or are doing for comparison.

Vice Chairman Vick stated that there would be some fiscal impact because of people spending longer time in jail if convicted. **Ms. Koole** replied that if convictions, even though cases are minimal, it would depend on the amount of time given by the judge. **Vice Chairman Vick** asked if she could provide some numbers on the trends on this.

MOTION

Senator Bock moved, seconded by **Vice Chairman Vick**, to print **RS 20899**. The motion carried by **voice vote**.

RS 20878

Relating to Harassment, Intimidation or Bullying of a Student.

Kim Kane, Suicide Prevention Action Network (SPAN), explained that this legislation is the same that was approved by the Senate last year as S1105, but it never received a final consideration in the House. Ms. Kane said it is returning to provide a role for schools in preventing bullying in four main ways.

1. To make sure school staff, teachers, students and parents are informed that bullying is prohibited in Idaho schools and to outline the schools policy.
2. To make clear that teachers and school staff intervene when bullying occurs.
3. Provide training to teachers and staff on the most effective ways to address different kinds of bullying.
4. Districts should provide a set of consequences to use before they look at the infraction.

Finally, the legislation ensures that schools designate to whom reports of bullying are made so parents, students and staff have a place to go when they encounter bullying.

Senator Bock asked Ms. Kane to speak to the importance of keeping the penalty at a reduced level and, therefore, increasing the opportunity for success. **Ms. Kane** said that more effective than a stronger penalty is to emphasize prevention, intervention and counseling.

Senator Mortimer asked what changes would be made in the education system. **Ms. Kane** said what is being done now is not working and there is no uniformity statewide. **Senator Mortimer** said he would like a report from the Education Department of how this would affect our school districts.

MOTION

Senator McKague moved, seconded by **Senator LeFavour**, to print **RS 20878**. The motion carried by **voice vote**.

ADJOURNMENT

There being no further business, **Chairman Darrington** adjourned the meeting at 1:58 p.m.

Senator Darrington
Chairman

Leigh Hinds
Secretary