

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Wednesday, February 08, 2012

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Darrington, Vice Chairman Vick, Senators Davis, Lodge, Malloy(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 and asked the secretary to call the roll.

**CONFIRMATION** **Chairman Darrington** stated the committee would vote on the recommendation to confirm the appointment of **Sara B. Thomas** to State Appellate Public Defender to serve a term commencing January 12, 2012 and expiring August 1, 2014.

**MOTION** **Senator Bock** moved to send the gubernatorial appointment of **Sara B. Thomas** as State Appellate Public Defender to the floor with the recommendation that it be confirmed by the Senate. **Senator Nuxoll** seconded the motion. The motion carried by **voice vote**.

**MOTION** **Senator Lodge** moved, seconded by **Senator Malloy**, to approve the minutes of **February 1, 2012** as written. The motion carried by **voice vote**.

**RS 20874** **Relating to Child Custody and Visitation involving Deployed Parents.** **Chairman Darrington** explained that RS 20874 fulfills a request by the Department of Defense that states adopt legislation to consider the unique aspects of military service when balancing equities between parent and child in custody and visitation cases involving service members who must be separated from their families for an extended period of time during mobilizations, temporary duty or deployment.

**MOTION** **Senator Lodge** moved, seconded by **Senator Mortimer**, to send **RS 20874** to print. The motion carried by **voice vote**.

**RS 21058** **Relating to Military Education Training and Service.** **Chairman Darrington** also addressed RS 21058 concerning separating service members who leave the military with documented training and experience that can prepare them for civilian employment. Chairman Darrington explained that training and experience received during military service is not always used by state entities to qualify former service members for licenses required for their occupation or to provide them academic credit. He explained that RS 21058 would provide a method for states to accept that experience.

**MOTION** **Senator LeFavour** moved, seconded by **Senator Lodge**, to send **RS 21058** to print. The motion carried by **voice vote**.

**Relating to the State Victim Notification Fund. Mike Kane**, representing the Idaho Sheriffs Association, reviewed the origin and history in Idaho for the Victim Notification system, listed many organizations using the system in Idaho referred to as VINE as well as the number of registrations of victims using the system. Mr. Kane explained constitutional requirements to notify victims of a change in an offender's incarceration. Mr. Kane summarized how the VINE system works within the Department of Corrections. He noted that VINE was originally funded in Idaho through a grant which lasted three years. He noted the grant's impending expiration which facilitates the need for a funding mechanism. He projected that if funding was not made available, the system to contact victims would revert back to pencil, paper and phone calls. Mr. Kane further explained that S 1263 proposes a \$10.00 victim fee to use the VINE program. He indicated that the fee would be used for administrating the VINE program which he enumerated indicating any excess fees would be returned to the victim restitution fund.

**Senator Malloy** questioned if a victim did not have funds to pay the fee and if the proposed fees were insufficient to fund VINE how would it be remedied. **Mr. Kane** answered that a provision would be made to accommodate victims unable to pay and if funds were deemed insufficient the Sheriff's Association would have to do without until an additional fund increase request could be made. Mr. Kane further indicated that the fee amount had been extensively studied within the court system to verify the amount of \$10.00 would be sufficient.

**Vaughn Killeen**, former Ada County Sheriff, currently Executive Director of the Sheriff's Association, spoke in favor of the VINE program recounting the origins of Vine in Idaho and benefits to victims.

**Senator Lodge** asked if anyone, not only a victim, could track an offender within the system. **Sheriff Killeen** answered in the affirmative indicating any interested party could track an offender. **Senator Davis** explained his personal involvement using the VINE system and security felt as a result.

**Olivia Craven**, Executive Director for the Commissions of Pardon and Parole Board, explained the invaluable assistance the VINE system provides to notify victims of escapes, hearings as well as apprise them of changes in offender status. The Parole Board uses VINE quite frequently to assist in their work and noted that without the VINE system, she would need additional staff. She discussed the positive and easy interface of VINE with her office as well as ease of use by victims.

**Bernice Hitchman**, a citizen, spoke in favor of the VINE system. Ms. Hitchman explained that she was a victim and appreciated having the VINE system in place to help her feel prepared and safe.

**Laurie Nolan**, a victim coordinator with the Ada County Prosecutors office, explained her support of VINE and told of her experiences over the last 25 years of the growth of victim's rights. Ms. Nolan related a story about a domestic violence victim whose life had been threatened if she reported the abuse. When she finally came forward the VINE system afforded her the chance to focus on her recovery and be in a safe place if the offender was released. For the past 10 years this victim has relied on VINE.

**Senator Malloy** wondered if S 1255 relating to exemption from disclosure would be an obstruction to the VINE program. **Mr. Kane** assured the committee it would not.

**Kimberly Ivacek**, a victim and currently executive director of a family violence organization in Caldwell, recounted her exposure to VINE and her knowledge of where her ex-husband had been kept and whether he was going to be moved. She explained that because of notification of a release hearing, she was able to testify and was instrumental in maintaining his incarceration. Relating to her work, she explained the fear victims feel and emphasized that VINE notifications allow victims to be in a safe position at all times.

**Joel Tueber** of the Fraternal Order of Police and representative of the Boise Police Department spoke concerning the benefits of VINE to the police officers of release of an offender. This allows the police an opportunity to protect victims. As police officers work in the street they need to know the whereabouts of the offenders they have arrested so they can monitor those offenders.

**Louis Marshall**, Prosecuting Attorney for Bonner County and IPAA president spoke concerning Bonner County's experience with victim/offender notification. He voiced his support of the bill.

**Colonel Jerry Russell**, Idaho State Police, voiced support of the VINE program and S 1263.

**Mike Kane** noted other organizations use VINE, namely the Social Security Department and Health and Welfare. **Vice Chairman Vick** asked for the total cost of the program. **Mr. Kane** replied the projected cost is about \$400,000.

**MOTION** **Senator Malloy** moved, seconded by **Senator Lodge** to send **S 1263** to the floor with a **do pass** recommendation. **Vice Chairman Vick** made comments concerning the importance of the program and noted that S 1263 is not about the merits of the program, but that since victim notification is constitutionally mandated, he said he thought the funding should come from the General Fund rather than an increased fee. He reiterated that no one spoke in opposition to the fee issue. The motion carried by **voice vote** with **Vice Chairman Vick** dissenting.

**S 1272** **Relating To Telegraphs.** **Michael Henderson**, Legal Counsel for the Idaho Supreme Court, explained that S 1272 would amend telegraph use specified in Idaho Code. The outdated sections of Idaho Code which concern legal service of arrest warrants and railway notifications were enumerated.

**MOTION** **Senator Nuxoll** moved, seconded by **Vice Chairman Vick** to send **S 1272** to the floor with a **do pass** recommendation. The motion carried by **voice vote**.

**S 1214** **Relating To The Board Of Commissioners Of The Idaho State Bar.** **Michael Henderson** explained this legislation which concerns Section 3-409 of the Idaho Code, concerning license fees for attorneys in the state of Idaho. S 1214 reflects rule changes adopted by the Idaho State Bar Association and was approved by the Supreme Court concerning membership categories within the Idaho Bar Association.

**Diane Minnich** of the Idaho State Bar explained fee changes associated with lawyers over 70 years of age and whether they are practicing or inactive and wishing to maintain membership.

**MOTION** **Senator LeFavour** moved, seconded by **Senator Malloy**, to send **S 1214** to the floor with a **do pass** recommendation. The motion carried by **voice vote**.

**BRIEF**

**Alicia Lardieri**, intern for the Chairman and Committee, presented a brief summary of the Sex Offender Management Board prior to appointments anticipated in a subsequent meeting. Ms. Lardieri recounted the history of the Board and current plans to revamp the Board to conform to national standards. The organizations represented by members on the Board were listed. The functions and responsibilities of the Sex Offender Management Board were detailed.

**ADJOURNMENT** There being no further business, **Chairman Darrington** adjourned the meeting at 2:30 p.m.

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Senator Darrington  
Chairman

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Leigh Hinds  
Secretary