

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Friday, February 10, 2012
TIME: 1:30 P.M.
PLACE: Room WW54
MEMBERS PRESENT: Chairman Darrington, Vice Chairman Vick, Senators Davis, Lodge, Malloy(McKague), Mortimer, Nuxoll, and Bock
ABSENT/ EXCUSED: Senator LeFavour

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 asked the secretary to call the roll.

RS 21179 **Relating to Motor Vehicle Financial Responsibility.** **Mike Kane**, representing the Property and Casualty Insurance Association of America, said the purpose of this bill is to allow an individual to produce proof of automobile insurance by electronic means in appropriate situations in lieu of printed means.

MOTION **Senator Lodge** moved, seconded by **Senator Malloy**, to print **RS 21179**. The motion carried by **voice vote**.

The eight Gubernatorial Appointments to the newly formed Sexual Offender Management Board are here to introduce themselves to the Committee.

APPOINTMENT **Dolly Oiuta Bedal** of Boise, Idaho was appointed to the Sexual Offender Management Board to serve a term commencing August 16, 2011 and expiring January 1, 2014. **Ms. Bedal**, a native Idahoan, said she had served as guardian ad litem for the state of Idaho, was a small business owner for five years, and had served both the public and private sector clientele, being court ordered and self referred. She has worked with both the victim and the sexual predator.

INQUIRY **Senator Nuxoll** asked Ms. Bedal for her insights on why the work she has done would be beneficial. **Ms. Bedal** replied that she brought a different perspective of victim and offender. She has seen that treatment has been helpful to reduce recidivism. **Chairman Darrington** stated that according to the material they were given, each member of the Board comes from different disciplines and represents a different point of view. **Ms. Bedal** replied that she was the public member. **Senator Lodge** asked for an explanation of the red feathers, white bison, 12 step program. **Ms. Bedal** said that was an American native custom of going through the 12 steps as a healing for those women that have been a victim of sexual abuse. **Senator Malloy** asked if she believed sex offenders could be rehabilitated. **Ms. Bedal** replied that she believed a large percentage could be rehabilitated.

APPOINTMENT **Jeffrey A Betts** of Boise, Idaho was appointed to the Sexual Offender Management Board to serve a term commencing August 3, 2011 and expiring January 1, 2016. **Mr. Betts** explained that he represents the juvenile treatment and assessment on the Board. He has provided outpatient treatment for the past twenty years for adolescents who have committed sexual offenses, and has been a clinical member of the Association for Treatment of Sexual Abusers (ATSA). He has also been involved in an organization called the Round Table that provides an opportunity to work with juveniles that have committed sexual offenses and have discussions on treatment and comprehensive management for those individuals.

- INQUIRY** **Senator Malloy** asked if Mr. Betts found it necessary to prescribe medications to help control the angers that developed. **Mr. Betts** replied that he was not able to prescribe medications; it must only be a referral for him.
- APPOINTMENT** **Jon Michael Burnham** of Sugar City, Idaho was appointed to the Sexual Offender Management Board to serve a term commencing August 3, 2011 and expiring January 1, 2015. **Mr. Burnham** said he represents the Department of Juvenile Correction and has worked for the department for 18 years. He has spent the last six years working at St. Anthony's facility providing inpatient residential treatment to juveniles who have been adjudicated for sexual crimes as well as assessments and reassessments for those juveniles. He said he was also a member of ATSA and was a clinical social worker.
- INQUIRY** **Senator Nuxoll** asked what was the best thing he has learned since working with the juveniles. **Mr. Burnham** said that making good assessments was the key.
- APPOINTMENT** **Shane Lee Evans** of Boise, Idaho was appointed to the Sexual Offender Management Board to serve a term commencing August 3, 2011 and expiring January 1, 2015. **Mr. Evans** said he was currently the Director of Education, Treatment & Reentry for the Department of Correction. In the past, he worked with juvenile and adult sexual offenders as a parole officer. He has also worked in programs in developing sex offender management strategies. He has an advanced degree in Criminology and currently chairs this Board.
- INQUIRY** **Senator Malloy** asked how often does he see offenders come back into the system. **Mr. Evans** said the percentage is pretty low, but the sexual offender may reenter with other criminal activity. He expressed how they need to treat the whole person.
- APPOINTMENT** **Jean M. Fisher** of Boise, Idaho was appointed to the Sexual Offender Management Board to serve a term commencing August 3, 2011 and expiring January 1, 2015. **Ms. Fisher** said she is a Deputy Prosecuting Attorney and has been with Ada County for 22 years and was actively involved in the prosecution of sex offenders. She said she was a strong proponent of a tiered system, and her goal was to help develop this system within the Board.
- INQUIRY** **Senator Bock** asked Ms. Fisher to explain in general terms the difference between the sexual offender and the sexual predator. **Ms. Fisher** said a sexual predator is someone that lures young children or baits their victim where a sexual offender may be involved with someone that is age inappropriate and with that being said, it is complicated, which is why she advocates the tiered system to evaluate each individual. **Senator Mortimer** asked if she thought we had a better understanding of how and why to help sex offenders. **Ms. Fisher** said again she thought we had come a long way with the psychological tools that we have and the ability to assess why someone is doing what they are doing.
- APPOINTMENT** **Paula K. Garay** of Meridian, Idaho was appointed to the Sexual Offender Management Board to serve a term commencing August 3, 2011 and expiring January 1, 2014. **Ms. Garay** explained that she was the Executive Director at Sequel, a residential treatment program for juveniles who sexually offend. She is also a clinical member of ASTA and her position is to insure that the Board takes into consideration cultural diversity and the individual's parentage and ethnicity.

- INQUIRY** **Chairman Darrington** stated that Sequel was a sex offender facility contracted to the Department of Juvenile Corrections. **Senator Malloy** asked Ms. Garay if she believed there was different diagnostic techniques that would be used based specifically on their culture or heritage, or if one should just be sensitive to those things. **Ms. Garay** said there were certain things that need to be considered when going through the assessment process and that the assessment and evaluation tools are applicable to the individual that you are assessing. She said that in treatment, one of the standards is that you fully engage whether it's an individual or group. She said one perspective regarding the Asian culture is that you only speak after you're spoken to and also direct eye contact is considered disrespectful. That is one of the cultural differences to consider.
- APPOINTMENT** **Charles "Chad" A. Huff** of Boise, Idaho was appointed to the Sexual Offender Management Board to serve a term commencing August 3, 2011 and expiring January 1, 2016. **Mr. Huff** explained that he was currently the sheriff of Payette County and he had been in law enforcement for 19 years, 6 of those with the Idaho State Police and 6 with the Payette County Sheriff's office. He said his position on this Board is to represent the Idaho sheriffs and to make sure we are not mandating more work for the sheriffs.
- INQUIRY** **Vice Chairman Vick** asked Sheriff Huff what things would burden the sheriffs department. **Sheriff Huff** said they were limited in staff and deputies that would be assigned to go and make sure that these offenders are following through with registration and are where they say they are. **Senator Bock** asked how the tiered system would help the sheriffs. **Sheriff Huff** said he thought it would give the offenders a chance to reduce their registration time or actually remove them.
- APPOINTMENT** **Michael David Johnston** of Boise, Idaho was appointed to the Sexual Offender Management Board to serve a term commencing August 3, 2011 and expiring January 1, 2016. **Dr. Johnston** stated that he was a licensed psychologist and began working with Corrections in the mid 90's and since has performed evaluations on sex offenders that were on parole or incarcerated since 1997. He said he was also involved in the development of the sexual offender treatment program. He is currently the elected Vice Chairman of the Board.
- INQUIRY** **Senator Mortimer** asked if they were getting a better understanding of sexual offenders and how to treat them. **Dr. Johnston** said he believed they were. They were actively in the field to pursue research to identify what contributes to sexual offending and what to treat. He continued with their history and what parts of their personality and behavior to target in treatment and are developing ways to adjust that. **Senator Mortimer** added that he had heard that it is actually physical. He asked if there was science being done regarding the physiological changes. **Dr. Johnston** said there was research out there that there is different brain activity and brain chemistry for some sex offenders; sometimes it's purely behavioral. **Senator Malloy** asked if there were medications that were useful or beneficial to these offenders. **Dr. Johnston** said there were anxiety, depression medications, and even hormones, but he was not able to give a percentage of usage or of success.
- UPDATE** **Shane Evans** gave a brief update of their activities since September when the Board convened for the first time. They have developed and proposed a tiered system based on risk factors that research tells are the best indicators of potential or further risk. He said they have created by-laws and had the first final draft of the standards for the Sex Offender Report. They have also convened a sub committee concurrently looking at the development and proposal for a tiered registration system that will incorporate all the research and supports Idaho's vision of protecting and serving these offenders in the future.

COMMENTS

Chairman Darrington recalled that the Adam Walsh Act required states to establish a tier according to the crimes and they would vary from state to state. He asked Mr. Evans how he envisioned that taking place. **Mr. Evans** said they would take the elements of the crime as presented in SORNA and trying to equate how Idaho statutorily addresses those laws as the first step. **Senator Mortimer** asked if there was one member of the Board that was not filled. **Mr. Evans** said they had not found a permanent member from the Public Defender's office as well as the non voting member for the Judiciary. Scott Ronan is serving that role today.

Chairman Darrington said the Committee would act on all the appointments at the top of the agenda on Monday and would now recognize Vice Chairman Vick regarding the minutes of February 6, 2012.

MOTION

Vice Chairman Vick moved, seconded by **Senator Mortimer**, to approve the minutes of **February 6, 2012** as written. The motion carried by **voice vote**.

There being no further business, **Chairman Darrington** adjourned the meeting at 2:15 p.m.

Senator Darrington
Chairman

Leigh Hinds
Secretary