

MINUTES

HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

- DATE:** Tuesday, February 21, 2012
- TIME:** 1:30 p.m. or Upon Adjournment
- PLACE:** Room EW42
- MEMBERS:** Chairman Wills, Vice Chairman Luker, Representative(s) Smith(24), Nielsen, Shirley, Hart, Bolz, Ellsworth, Bateman, McMillan, Perry, Sims, Burgoyne, Jaquet, Killen
- ABSENT/
EXCUSED:** Chairman Wills and Rep. Nielsen
- GUESTS:** Olivia Craven, Parole Commission; Kim Luacer, Kristin Contreras, Abigail Nickel & Devan Hunt, Advocates Against Family Violence (AAFV); Anne Chatfield, Luann Dettman & Sally Alvarado, Idaho Council on Domestic Violence; Mike Kane, Idaho Sheriff's Association (ISA); Terri Wedding, Appriss; Joel Teuber, Fraternal Order of Police; Laurie Nolan, Ada County Prosecutor; Vaughn Killeen, Sheriff's Association; Chris Smith & Aleshea Lind-Buals, Canyon County Sheriff; George Gutierrez, Crime Victims Compensation Bureau; Michael Henderson, Idaho Supreme Court; Holly Koole, Idaho Prosecuting Attorney's Association; Bill Flink, Peace Officer Standards & Training (POST), Idaho State Police (ISP)
- Vice Chairman Luker** called the meeting to order at 2:51 p.m.
- Vice Chairman Luker** introduced **Courtney Wills**, the incoming House Page, and welcomed her to the committee.
- MOTION:** **Rep. Killen** made a motion to approve the minutes of the subcommittee meeting held on February 9, 2012. **Motion was carried by voice vote of the subcommittee members.**
- MOTION:** **Rep. Bolz** made a motion to approve the minutes of the February 9, 2012 committee meeting. **Motion was carried by voice vote.**
- MOTION:** **Rep. Bolz** made a motion to approve the minutes of the February 13, 2012 committee meeting. **Motion was carried by voice vote.**
- MOTION:** **Rep. Bolz** made a motion to approve the minutes of the February 15, 2012 committee meeting. **Motion was carried by voice vote.**
- S 1263:** **Michael J. Kane**, who represents the Idaho Sheriff's Association (ISA), presented **S 1263**. He stated that this bill has strong support from various law enforcement and domestic violence agencies. He explained that in the past, when a crime victim wanted notification of the offender's release from prison, the victim would have to go to a prosecutor and request notification and then the information was disseminated to the victim. This was an inefficient process and, as a result, the electronic victim and witness notification system (known as VINE) was created. Idaho has used VINE for about 10 years. The federal grants used to support the system are running out, and this bill seeks sustainable funding to support VINE. The bill asks for a one-time \$10.00 conviction fee of a misdemeanor or felony. Any excess funds at the end of the fiscal year will go to the Victim Restitution Fund. In closing, he said VINE is used by concerned families, the Department of Health and Welfare, the Social Security Administration, and other law enforcement agencies.
- MOTION:** **Rep. Ellsworth** made a motion to send **S 1263** to the floor with a **DO PASS** recommendation. **Motion was carried by voice vote.** **Rep. Ellsworth** will sponsor the bill on the floor.

S 1214: **Michael Henderson**, legal counsel for the Idaho Supreme Court (ISC), presented **S 1214**. He explained that this bill makes several technical changes to Idaho Code § 3-409 with the purpose of making the statute consistent with Idaho State Bar rules. The terminology changes are: 1) the category of bar members that have been admitted but are not actually practicing were formerly "affiliate" and are now renamed "inactive" members. 2) Members that are at least 72 years old, are inactive, and pay a \$70.00 fee, will be in a separate membership category called "senior members."

MOTION: **Rep. Burgoyne** made a motion to send **S 1214** to the floor with a **DO PASS** recommendation.

Rep. Killen invoked Rule 38 stating a possible conflict of interest as he is a member of the Idaho State Bar and over the age of 72, but will be voting on the bill.

In response to committee questions, **Mr. Henderson** stated that section c, could have been listed as a "(b)(3)" but these categories are actually listed in the Bar rules, not in the statute. The committee voiced a concern that section c seems to include both active and inactive senior members and wanted to know whether the rules are in compliance with the statute. Also, there is not an "affiliate category" for Bar-membership for those who have attended law school but have not yet passed the Bar.

VOTE ON THE MOTION: **Motion was carried by voice vote. Rep. Burgoyne** will sponsor the bill on the floor.

S 1272: **Michael Henderson**, ISC, presented **S 1272**. He said there are many references to telegraphs in the Idaho Code, and this bill amends or repeals these obsolete references. For example, regarding delivery of arrest warrants, the bill will amend I.C. § 19-616, allowing arrest warrants to be sent via fax or telecommunication. The bill would also repeal I.C. § 19-617, requiring officers to follow certain procedures when sending telegraphic copies of warrants; I.C. § 62-414 requiring railway corporations to send telegraphic notification of late arrival of passenger trains; I.C. § 62-415, requiring the posting of such notifications in stations or waiting rooms; I.C. § 62-416, failure to post these notices results in a misdemeanor; and I.C. § 62-417, which makes it a misdemeanor for a railway company to violate any of the three preceding sections.

In response to committee questions, **Mr. Henderson** said "telecommunication" is not defined in code nor in Idaho criminal rules, but according to the various definitions he searched, seemed to include any form of electronic communication, which includes email, texting, etc.

MOTION: **Rep. Jaquet** made a motion to send **S 1272** to the floor with a **DO PASS** recommendation. **Motion was carried by voice vote. Rep. McMillan** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:19 p.m.

Representative Wills
Chair

Stephanie Nemore
Secretary