

MINUTES

HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

- DATE:** Tuesday, January 29, 2013
- TIME:** 1:30 P.M.
- PLACE:** Room EW42
- MEMBERS:** Chairman Wills, Vice Chairman Luker, Representatives Nielsen, Bolz, Bateman, McMillan, Perry, Sims, Dayley, Horman, Malek, Packer, Patterson, Trujillo, Burgoyne, Meline, Ringo
- ABSENT/
EXCUSED:** None.
- GUESTS:** Dawn Peck, Idaho State Police (ISP); Rex Green, Idaho Independent Dealers; Holly Koole, Sandee Meyer, Kristin Friend & Bryan Taylor, Idaho Prosecuting Attorneys Association (IPAA); R. David Moore, Blackfoot Police Dept./ILETS; Gregory E. Moon, Weiser Police Dept./ILETS; Chris Allgood, Caldwell Police Dept./ILETS; Mark McBride, Idaho Falls Police/ILETS; Scott Marchaud & Jim Peterson, Pocatello Police Dept./ILETS; Michael F. Masterson, Boise Police; Steven Orr, Lewiston Police; Shane Turman, Rexburg Police Dept.; Craig Kingsbury & Brad Daniels, Nampa Police; R. Scot Haug & Pat Knight, Post Falls Police; Eddie Goldsmith, Emergency Communications Commission; Mike Chakarun, State May Commission; Amy Smith, Idaho Transportation Dept.; Charlie Spencer, Ralph Powell, Keith Hudgens & Sheldon Kelley, ISP; Skip Smyser, AT&T; Jason Kreizenbeck, Lobby Idaho, LLC; Mike Kane, Idaho Sheriffs Association (ISA)
- Chairman Wills** called the meeting to order at 1:30 p.m.
- MOTION:** **Rep. Bolz** made a motion to approve the minutes of the January 17, 2013, meeting. **Motion carried by voice vote.**
- MOTION:** **Rep. Ringo** made a motion to approve the minutes of the January 21, 2013, meeting. **Motion carried by voice vote.**
- MOTION:** **Rep. Bolz** made a motion to approve the minutes of the January 23, 2013, meeting. **Motion carried by voice vote.**
- MOTION:** **Rep. Packer** made a motion to approve the minutes of the Sims Subcommittee meeting of January 17, 2013. **Motion carried by voice vote.**
- MOTION:** **Rep. Burgoyne** made a motion to approve the minutes of the Luker Subcommittee meeting of January 21, 2013. **Motion carried by voice vote.**
- RS 21759C1:** **Chairman Wills** invoked Rule 38 stating a possible conflict of interest but that he would be voting on the legislation.
- Eddie Goldsmith**, presented **RS 21759C1**. He said the New and Emerging Technologies Act propelled states to address funding needs for an enhanced emergency system. In 2008, a 25 cent grant fund was passed and counties could participate voluntarily. These fees currently provide funding needed to have an enhanced emergency system and the Emergency Communications Commission (ECC) is now starting the phase of next generation technology. He also said that 37 counties are currently participating and outlined the upgrade needs and said the additional 25 cents would provide 6.6 million dollars to get every county "Phase 2" compliant. He said the purpose of sunset clause is to remove all of old networks they have been using since 1969 and creates an IP network that gives them greater possibilities. He said there is now a need to receive text messages, video streaming and pictures and that currently, the system only handles voice and location information. He outlined some of the benefits of the upgraded system and

concluded by stating that without the removal of the sunset clause in Idaho Code Section 31-4819, the ECC won't reach next generation technology.

MOTION: **Rep. Bateman** made a motion to introduce **RS 21759C1**.

In response to committee questions, **Mr. Goldsmith** said most the counties that are participating are very concerned they are going to lose these grant fees, and if they do, they will be unable to pay monthly recurring fees and maintenance of system. He added that there is currently no money for upgrades and no money for a next generation IP network. **Chairman Wills** clarified that this legislation, when first enacted, gave the ECC grants to the counties and gave the authority to the commission to spend the grant fees. This new legislation is asking for continuation of that ECC fee and is not new fee legislation.

VOTE ON THE MOTION: **Motion carried by voice vote.**

RS 21747: **Chief R. David Moore** presented **RS 21747**. He explained ILETS is the Idaho Public Safety Security System and the information contained in ILETS is tied to the Idaho Criminal Information System. He outlined the history and evolution of ILETS in Idaho and explained that cities and states pay user fees to keep it operating. He next said that current fees can't keep up with the upgrades and demands required of the system. He emphasized that the data contained in the system is a necessary part of police work and an increase in user fees may result in asking the officers to use the system less, which is a hazard to public safety. He said the request is for a \$5.00 transaction fee on all vehicle title transfers in Idaho.

In response to committee questions, **Chief Moore** explained the nexus between title fees and ILETS is that ILETS holds vehicle information, criminal history and drivers license information. He said there are 2.7 million vehicle checks done per year using ILETS and the majority of the use of ILETS would be for motor vehicles. He also said he met with the Vehicle Advisory Board who were opposed to these fees. In regards to committee concerns about changes to the bill from last year, he said the fee was reduced from \$8.00 to \$5.00. He next clarified that the 911 fee proposed legislation is unrelated to the ILETS system. He said ILETS is a computerized database and when it was created in 1971, it was a teletype system. Today the fee structure doesn't support the gains in technology and there is a need to integrate this funding into the system to make the necessary updates.

Dawn Peck, ISP, said there were 491,000 title transfers last year and the proposed budget would augment the title fees already charged. She indicated funds are currently being diverted from other programs within ISP in order to fund this system because it is so important. She explained the fee is a one time fee assessed when the title is transferred. The nexus to vehicles is found in I.C. § 19-2052, the statute that established ILETS. Additionally, Ms. Peck said federal funding used to support ILETS was \$180,000 annually, which paid for a lot of maintenance, but ILETS has not received this funding since 2012. She said there is a little money in the current budget dedicated to capital big improvements and the purpose of this legislation is to support ILETS maintenance which includes staff development pertaining to that system. She concluded by stating that the current required ILETS budget is \$1.75 million annually and current revenue is \$940,000 so ISP has been filling the gap. Additionally, there was a small reserve which will be depleted in three years.

In regards to the language, committee members clarified the term "title transfer" is in reference to used vehicles and "title application" refers to new vehicles.

MOTION: **Rep. Bolz** made a motion to introduce **RS 21747**. **Motion carried by voice vote.** **Reps. Sims** and **McMillan** requested to be recorded as voting **NAY**.

RS 21757: **Skip Smyser** presented **RS 21757**. He said he has been involved with 911 legislation since its inception in Idaho and over the years, the legislation has been tweaked in response to changes in technology. He said prepaid phones are not currently required to pay to use the 911 service, which is charged to those who use a cell phone with a monthly plan. He said the fee would be assessed at the point of sale and the purpose is to spread the fee across all users of the 911 system. He added that this type of legislation has already been passed in 26 states. He said there has been a lawsuit involving the Idaho Attorney General's office to address this, and the idea is to resolve the pending issue, though the legislation would not be retroactive.

MOTION: **Rep. Packer** made a motion to introduce **RS 21757**. **Motion carried by voice vote.**

RS 21585: **Capt. Charlie Spencer**, ISP, presented **RS 21585**. He explained this is a proposed addition of \$20 to all drug crime defendants. He said there is a need to ensure that ISP can enforce the state's drug statutes. He said typically local law enforcement agencies develop information about certain drug operations and then the agency runs out of money and looks to ISP for help. A dedicated funding source is needed to ensure continued enforcement an apprehension of these drug trafficking organizations. He added that the Idaho Sheriffs and Idaho Chiefs Association support this legislation.

In response to committee questions, **Capt. Spencer** recognized fine collection is below 100% and ISP would be at the bottom of the hierarchy established by the Idaho Supreme Court (ISC) for those agencies who receive violators' fees. He said the estimated funds gained as a result of this legislation would be \$180,000-\$200,000 per year. **Capt. Spencer** agreed to address committee concern over this legislation creating officer incentives to make arrests. In regards to the last sentence of the Statement of Purpose, **Capt. Spencer** said current general funds received have been insufficient in funding the personnel and estimated the amounts needed in the future. He indicated he would provide more information on repayment of fines thus far at the bill hearing if the RS was printed.

MOTION: **Rep. Burgoyne** made a motion to introduce **RS 21585**. **Motion carried by voice vote.**

Holly Koole, Idaho Prosecuting Attorneys Association (IPAA) explained that the purpose of the IPAA presentation is to provide a snapshot of what IPAA does. (see handouts) **Sandee Meyer**, Executive Director of IPAA, said IPAA is a private, nonprofit, nonpartisan organization, with 34 members, and elaborated on the IPAA membership composition. She outlined all topics addressed by IPAA over the previous year and in addition to technical support and training, their purpose is to develop a research manual, which is provided to law enforcement and to every judge in the state. She said their central goal is safety and to monitor all effects of criminal laws coming out of the legislature.

Greg Bower, Ada County Prosecutor, explained his desire to better the system and outlined the importance of serving victims. He also listed some examples of various capital cases he has worked on over the decades. **Brian Taylor**, Canyon County Prosecutor, spoke about the Nampa Family Justice Center which is a co-location of services; a place where a victim can seek refuge, divorce and family services, shelter, law enforcement, and meet with Health and Welfare. He told a story about a victim who used the Family Justice Center which allowed this victim to meet with everyone at one time, rather than having to rehash their story multiple times with each faction.

Mr. Bower spoke about specialty courts and said the Drug Court in Ada County is used to keep drug users out of penitentiaries and has been very successful. He next explained the drug court process. Ada County has the following specialty courts: Drug, Domestic Violence, Veteran's and Mental Health Courts. He outlined how the justice center works and how its use transforms the prosecutors ability to get cooperation of victims. **Mr. Taylor** spoke about gang activity in Canyon County, the creation of a SAUSA position has made it so gang members can be charged federally, saving Idaho money. This position has been effective in eliminating entire gangs and in significantly reducing gang activity since 2004.

Mr. Bower introduced **Kristin Friend**, Victim Coordinator, and explained her idea to use a facilities dog, **Sunday**, with victims to ease a victim through the criminal justice process. He provided some examples of uses for the dog and the dog has proved to be very calming for victims and is no cost to taxpayers.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:01 p.m.

Representative Wills
Chair

Stephanie Nemore
Secretary