

## MINUTES

# HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

- DATE:** Thursday, January 31, 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:** Rep. Burgoyne
- GUESTS:** (Temporarily missing sign-in sheet)
- Chairman Wills** called the meeting to order at 1:33 p.m.
- Chairman Wills** handed the gavel over to **Vice Chairman Luker**.
- MOTION:** **Rep. Ringo** made a motion to approve the minutes of the Bolz Subcommittee meeting of January 23, 2013. **Motion carried by voice vote.**
- MOTION:** **Rep. Meline** made a motion to accept the report of the Rep. Sims Subcommittee on Rules containing **Docket Nos. 11-1102-1201, 11-1103-1201, 11-1104-1201 and 11-1106-1201.** **Motion carried by voice vote.**
- MOTION:** **Rep. Luker** made a motion to approve **Docket No. 11-1301-1201** and **11-1101-1201** with the exception of Subsection 91.01. **Motion carried by voice vote.**
- MOTION:** **Rep. Perry** made a motion to hold **Docket Nos. 11-0501-1101** and **11-1101-1202** in subcommittee at the call of the subcommittee chair. **Motion carried by voice vote.**
- MOTION:** **Rep. Bolz** made a motion to approve **Docket No. 11-0201-1201.** **Motion carried by voice vote.**
- MOTION:** **Rep. Bolz** made a motion to approve **Docket No. 11-0202-1201.** **Motion carried by voice vote.**
- Rep. Bolz** explained that the Idaho Department of Corrections does rulemaking differently and the rules come in the form of a proclamation. The motions must be made separately.
- MOTION:** **Rep. Bolz** made a motion to approve **Docket No. 06-0101-1202.** **Motion carried by voice vote.**
- Vice Chairman Luker** handed the gavel back to **Chairman Wills**.
- RS 21663:** **Lt. Bob Clements**, Idaho State Police (ISP), presented **RS 21663**. He said the proposed legislation cleans up the Idaho Code in order to address exceptions to the rules relating to specialty alcohol beverage licenses. In short, he said the changes enumerate the subsections in the statute.

In response to committee questions, **Lt. Clements** said there are several types of liquor licenses that are nontransferable and it is not necessary to list them as nontransferable because by definition, the license applies only to specific premises. He clarified that ISP is doing this because he believes it is their responsibility. Lt. Clements said he would provide the history of amendments to this statute in the future and then reviewed the license transfer process. If the licensee wants to transfer, the transferor would have to sign their privilege of that license to the transferee. If the license is nontransferable, it will clog the system because only one person would ever be able to use the license. Lt. Clements confirmed that these changes will not affect the administrative rules already heard in this committee.

**MOTION:** **Rep. Bolz** made a motion to introduce **RS 21663**. **Motion carried by voice vote.**

**HR 2:** **Vice Chairman Luker** presented **HR 2** and said this resolution amends House Ethics Rule 76. He explained that the current rule provides for an ad hoc ethics committee when the Speaker receives a complaint. Under the amended rule, the committee would have a 3-2 majority-minority composition elected by the majority and minority caucuses respectively. The Speaker would appoint a Chairman from the five person committee. He said the committee would then be called to session in confidence when a complaint is received. The rule outlines that the complaint would need to contain the particular charge alleged and the facts to support it. The committee makes a probable cause determination and then will have a public hearing on the issue if probable cause is found. The changes to the rule would also expand sanction options; previously the only options were reprimand or censure. Under the proposed changes, sanctions would include placing conditions on the censure options and expulsion as additional options.

In response to committee concerns over potential perception of partisanship in regards to the 2/3 split, **Rep. Luker** replied that the 2/3 split will represent a greater proportion of the minority party. He next explained that member election happens in a two phase process: In phase one, each caucus chooses a list of members, putting together a list of five from each. In phase two, from that list, the highest scoring people are chosen for the committee and the remainder are alternates.

**MOTION:** **Rep. Bateman** made a motion to send **HR 2** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Meline** and **Ringo** wished to be recorded as voting **NAY**.

**Director Brent Reinke** began a presentation on the Idaho Criminal Justice Commission (ICJC). (See handout) He explained the importance of the issues handled by the ICJC and introduced commission members. He next spoke about the subcommittees within ICJC. **Mr. Dan Chadwick**, Executive Director, Idaho Association of Counties, introduced **Sara Thomas**, State Appellate Public Defender. She explained that the Legislature created her position as a means of addressing the cost of the death penalty. Various presenters discussed the following issues: 1) upcoming proposed legislation, including bills addressing a uniform appointment of counsel, the juvenile's right to counsel and appointment of counsel-Guardian ad litem, and 2) creation of an interim committee through a proposed concurrent resolution. Ms. Thomas provided some examples of human trafficking in Idaho and said there is a gap in Idaho law that results in a failure to protect teenage girls because human trafficking doesn't provide for felony penalties. The upcoming 3-part legislation would make it a felony to use an underage person for prostitution, would require violators of that law to register as sex offenders and the money earned in the commission of that felony would be forfeited.

**Ross Mason**, chairman of the subcommittee on Children of Incarcerated Parents, said there is a new pilot program dedicated to improving lives of children with parents in prison and outlined three projects that would address this. Additionally, the children of incarcerated parents program is a tool that has been successful thus far.

**Dir. Reinke** outlined the duties of the Sexual Offender Management Board and said the Board has prepared a legislation package for next year. He outlined the enclosed documents.

**Dir. Reinke** concluded the presentation and said the Sexual Offender Management Board allows juvenile sex offenders to continue attending public school. **Ms. Harrigfeld** indicated she would provide the committee with additional information on treatment of juvenile sex offenders and recidivism rates for juvenile sex offenders versus adult sex offenders. She did indicate that the juvenile rate was around 30%.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:42 p.m.

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Representative Wills  
Chair

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Stephanie Nemore  
Secretary