

MINUTES

HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

- DATE:** Monday, February 11, 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, ISB; Sara Thomas, SAPD/CJC; Jeff Lavey, ICOPA; Jared Hoskins, ICJC; Clark Rollins, ISP; R. David Moon, Blackfoot PD/ILETs; Megan Moore, Blackfoot High School; Sharon Harrigfeld, IDJC; Nancy Bishop, DAG/IDJC; Scott Merchand, Pocatello Police; Russ Roper, Monxpelie Police; Raeleen Weiton, Rex Green, Idaho Independent Auto Dealers; Mike Kane, ISA/IAC/AAA, Chris Allgood, Caldwell Police/ILETs; Charles Spencer, ISP; Holly Koole, IPAA; Jan Sylvester; Tony Smith, Benton Ellis; Dain Johnson; Andrea Urie, State Dept of Ed; Lyn Darrington, State Farm Insurance Co.; Paul Jackson, Farmer's Insurance Group.
- 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 29, 2013 meeting. **Motion carried by voice vote.**
- MOTION:** **Rep. Bolz** made a motion to approve the minutes of the January 31, 2013 meeting. **Motion carried by voice vote.**
- RS 21688C1:** **Dan Chadwick**, chair of subcommittee on the Public Defender (PD) System, under Idaho Criminal Justice Commission (ICJC), presented **RS 21688C1** stating this proposed legislation relates to the public defense system. He said Idaho counties put \$18 to \$20 million per year into the system. He said, in Section 1, there are three significant changes. 1) creates a new definition of PD, it removes PD and inserts "defending attorney"; 2) this deletes "needy" and inserts "indigent" persons terminology; and 3) gives a definition of "serious crimes". Mr. Chadwick reviewed other technical changes in the proposed legislation.
- MOTION:** **Rep. Packer** made a motion to introduce **RS 21688C1**.
- In regards to a question about indigency, **Mr. Chadwick** said the hardship would be determined by the judge, whether it is the individual or the family.
- VOTE ON THE MOTION:** **Motion carried by voice vote.**
- RS 21689:** **Dan Chadwick**, presented **RS 21689** which relates to appointment of a Guardian ad litem (GAL) in the Child Protection Act, and when a Public Defender (PD) is to be appointed. In any proceeding for a child under 12, at the court's discretion, counsel may be appointed to represent the child as well. If the child is older than 12, counsel may be appointed, and may appoint counsel for the GAL.
- MOTION:** **Rep. Meline** made a motion to introduce **RS 21689**. **Motion carried by voice vote.**

RS 21690C1: **Dan Chadwick** presented **RS 21690C1**. He said there are several substantive changes. Section 1: diversions used for juveniles, whatever juveniles say in context of diversion will not be used against them in any further proceeding. Section 2: when juveniles are entitled to be represented by an attorney, they will be detained or confined throughout the course of the proceeding and entitled to the same representation as an adult, including investigators. He said juveniles can waive the right to counsel; however, it requires waiver to be in writing on the record. There are also circumstances where a waiver is not allowed.

In response to committee questions, **Mr. Chadwick** explained that these are juvenile, criminal acts.

MOTION: **Rep. Bolz** made a motion to introduce **RS 21690C1**. **Motion carried by voice vote.**

RS 21936: **Mike Kane**, Idaho Associations of Counties, presented **RS 21936**. He reviewed the background on county commissions which serve two functions in the state: 1) executive function; and 2) quasi-judicial function. He said this statute was passed in 1993, because it was unclear what could be appealed.

MOTION: **Rep. Meline** made a motion to introduce **RS 21936**. **Motion carried by voice vote.**

RS 21920C1: **Chief David Moore**, Blackfoot Police Department and Chairman of ILETs Board presented **RS 21920C1**. He explained that this system provides data to officers, which is necessary to do their jobs effectively and safely. This system was first established in 1971, and ILETs handles millions of transactions per year. He said it is currently funded by the agency that uses it. The request is for an increase of \$4 to be added to the vehicle title transfer fees for all motorized vehicles. He explained the nexus between ILETs and title transfers. He indicated he is supported by several agencies and associations, and this is important for the safety of the citizens of Idaho.

MOTION: **Rep. Bateman** made a motion to introduce **RS 21920C1**.

In regards to the \$1 million figure listed on the Fiscal Note, **Chief Moore** said this amount would be adequate to sustain the fund.

VOTE ON THE MOTION: **Motion carried by voice vote. Reps. Sims and McMillan** requested to be recorded as voting **NAY**.

RS 21970: **Rep. Trujillo** presented **RS 21970**. She said this proposed legislation would increase the mandatory minimum sentence to 25 years for crimes against children under 12 years of age.

In response to committee questions, **Rep. Trujillo** said 47 other states use the 25 year minimum, and the recidivism rate on sex offender cases is about 69% which would be reduced by adding a higher minimum sentence.

MOTION: **Rep. Bateman** made a motion to introduce **RS 21970**. **Motion carried by voice vote. Reps Meline and Ringo** wished to be recorded as voting **NAY**.

RS 21903C1: **Rep. Gannon** presented **RS 21903C1**. He said the purpose of this proposed legislation is to raise the pay for jurors in Idaho, which has not be raised since 1968. He said county commissioners will have the discretion to pay up to \$50 per day.

MOTION: **Rep. Sims** made a motion to introduce **RS 21903C1**. **Motion carried by voice vote.**

RS 21979: **Rep. Kauffman** presented **RS 21979**. He said the purpose of the proposed legislation is to enable judges to render harsher sentences for persons convicted of offenses against older persons, aged 65 and over. He said the new section would cover 16 different crimes added to the statute. He said the State Prosecutors Association, FOP, and State Sheriffs Association are in support.

MOTION: **Rep. Nielsen** made a motion to introduce **RS 21979**. **Motion carried by voice vote.**

RS 21971: **Mike Kane**, AAA Idaho, presented **RS 21971** regarding Class D (learner's permit) drivers. He said the proposed legislation would not allow Class D drivers to operate a cell phone to call or text. Class D drivers have more crashes per mile of any other age group, and the fatality rate is 2.5 times higher than that of other age groups. He said 50% of Class D drivers admitted to reading text messages while driving within the last 30 days. In regards to penalty, Class D drivers would have to start the learner's permit process over from the beginning. This is supported by law enforcement and insurance agencies.

MOTION: **Rep. Ringo** made a motion to introduce **RS 21971**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:45 p.m.

Representative Wills
Chair

Stephanie Nemore
Secretary