

## MINUTES

# HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

**DATE:** Tuesday, March 19, 2013

**TIME:** 1:30 pm or Upon Adjournment

**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:**

**GUESTS:** Bob Aldridge, TEPI; Michael Henderson, Idaho Supreme Court; Shane Evans, IDOC; Kandace Yearsley, Idaho Department of Health and Welfare; and Russ Barron, Idaho Department of Health and Welfare

**Chairman Wills** called the meeting to order at 1:30 p.m.

**MOTION:** **Rep. Burgoyne** made a motion to approve the minutes of March 11, 2013. **Motion carried by voice vote.**

**S 1059:** **Shane Evans**, Department of Corrections, presented **S 1059**. He said this legislation will update the testing process from mandatory to opt-in testing upon release. He said this will bring the testing process in line with Idaho Code Section 39-604.

In response to questions, he said about 5% of the inmate population will request testing but that cost is already absorbed in the contract. He said that the Department of Correction (DOC) tests the incarcerated individuals upon entry and identify any issues. If any issues are identified then or during their incarceration, all medical needs are addressed and they will receive the full battery of appropriate treatment. He said that the DOC is not currently in compliance with mandatory testing and this legislation would bring them into compliance. He said DOC cannot force inmates to be tested against their will due to the protections in place. He said this legislation clarifies that the state prison facilities have no obligation to treat any person who tested positive for any disease, or be financially responsible for that treatment, once they are released from the prison facility. He does not think this legislation poses a risk to public health or safety.

**MOTION:** **Rep. Ringo** made a motion to send **S 1059** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Nielsen** will sponsor the bill on the floor.

**S 1122:** **Robert L. Aldridge**, presented **S 1122**. He said the Department of Defense (DOD) has requested that states adopt legislation to consider the unique situation of military service members who are deployed during custody/family law cases. He said DOD has given a list of Best Practices, which many states have already adopted. The main intent of this legislation is to make any custody orders modified during the deployment of a service member to be a temporary modification with an expiration date. He said the court has to determine that the modification requested is in the best interest of the child. He said this legislation incorporates existing standards of best interests of the child. This legislation allows service members with visitation rights to petition the court to allow those rights to be delegated to a third party. He said this legislation allows for expedited hearings and testimony by electronic means. He said this legislation balances the needs of the parents with the best interests of the child.

In response to questions, he said this legislation only applies to modifications of orders.

**MOTION:** **Rep. Perry** made a motion to send **S 1122** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.**

**S 1018:** **Michael Henderson**, Idaho Supreme Court, presented **S 1018**. He said this is one of the defect bills dealing with Idaho Code Section 2-208 and corrects conflicts between Idaho Code Section 2-208(5) and Idaho Code Sections 7-601 and 7-610. He said this legislation states that prospective jurors who fail to appear may be subject to contempt proceedings and shall be subject to a fine of \$500, or may be imprisoned up to 5 days.

In response to questions, he said this legislation would increase the jail time from 3 days to 5 and the fine from \$300 to \$500. He said this legislation clarifies that the \$5000 fine applies to all areas of contempt except jury contempt and gives the court discretion to bring contempt proceedings against a juror in contempt.

**MOTION:** **Rep. Bateman** made a motion to send **S 1018** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Nielsen** requested to be recorded as voting **NAY**.

**S 1119:** **Kandace Yearsley**, Idaho Department of Health and Welfare (IDHW), presented **S 1119**. She said this bill deals with the use of a standardized income withholding system. She said employer payments are the most effective child support collection method. She said this legislation standardizes the forms and gives one address to which to send support payments.

In response to questions, she said the form is not new, this legislation is just requiring all wage withholding agencies to use the same form.

**MOTION:** **Rep. Trujillo** made a motion to send **S 1119** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Trujillo** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:22 p.m.

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Representative Wills  
Chair

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Danelle Heath  
Secretary