

MINUTES  
**HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE**  
**DAYLEY SUBCOMMITTEE**  
Rules

**DATE:** Monday, January 13, 2014  
**TIME:** 2:00 P.M.  
**PLACE:** Room EW42  
**MEMBERS:** Chairman Dayley, Representatives Trujillo, Packer, Burgoyne  
**ABSENT/  
EXCUSED:** None.  
**GUESTS:** Dennis Stevenson, Rules Coordinator

**Chairman Dayley** called the meeting to order at 2:39 PM.

**DOCKET NO.  
11-1002-1301:** **Dawn Peck**, Manager of the Idaho State Police Bureau of Criminal Identification, presented **Docket No. 11-1002-1301**, which is a pending rule change for the Idaho Criminal Justice Information Service. She detailed the rule change as follows. The title was changed to reflect the rules cover not only assessment fees but also state criminal history records and crime information. The pending rule also defines the terms acquittal, criminal summons, dismissal, expunge and serious misdemeanor. The pending rule change adds procedures for expungement of criminal history record information and defines the procedure to accomplish an expungement. Finally, there is an addition for contesting the accuracy and completeness of a criminal history record; although the policy has been in place for a long time, it will now be clear in rule.

**MOTION:** **Rep. Burgoyne** made the motion to recommend approval of **Docket No. 11-1002-1301** to the full committee. **Motion carried by voice vote.**

**DOCKET NO.  
11-1001-1301:** **Dawn Peck**, Manager of the Idaho State Police Bureau of Criminal Identification, presented **Docket No. 11-1001-1301**, which is the pending fee rule change for the Idaho Public Safety and Security Information System, commonly known as ILETS. Ms. Peck gave a review of the history of ILETS and its mission. In 2008, it was determined that the current funding system was insufficient to sustain the system. In 2009 and again in 2013, the board conducted a survey of how other states funded like systems. It was determined there was no clear way to fund the program. Previous attempts to pass a title transfer fee were unsuccessful; therefore, a collaborative group came together this past year to author this shared funding plan. The enhanced budget would include the funding of two critical staff positions, system enhancements, training, critical equipment, and a communications backup/disaster recovery site. This user fee request is one part of the shared funding plan which makes up a portion of the shortfall, the rest is made up from a requested increase of funding of the FY2015 Idaho State Police budget.

**Ms. Peck** responded to questions from the committee saying that constituencies all across the state, from agencies to local municipalities, were involved in the process and want this fee rule passed. She has heard of no objections from any law enforcement.

**MOTION:** **Rep. Packer** made the motion to recommend approval of **Docket No 11-1001-1301** to the full committee. **Motion carried by voice vote.**

Chairman Dayley recessed the committee at 3:02 PM and reconvened at 3:10 PM.

**DOCKET NO.  
11-1101-1301:**

**Rory Olsen**, Deputy Administrator of Peace Officer Standards and Training, presented **Docket No. 11-1101-1301**, which is a pending rule change defining and clarifying the character qualification and disqualification in the area of moral turpitude, drug use, and criminal record. Also, this allows students who are applicants attending college training programs to appeal their denial of application to the POST Council Hearing Board.

**Mr. Olsen**, explained the POST is responsible for the minimum employment and training standards for law enforcement personnel serving the criminal justice system in the state of Idaho. The Idaho Legislature established requirements relating to competency and reliability for employment and retention of peace officers. According to Idaho Code, the POST council may take into consideration the commission of any act of offense involving moral turpitude to ensure an applicant is of good moral character. Although the language has been in place since 2003, the state of Idaho has not clearly defined moral turpitude within the statutory scheme. The definition has been left up to the discretion of either the POST Division Administrator and/or the Post Council. Two years ago, the POST became aware of the Idaho Supreme Court's decisions regarding void for vagueness doctrine. From there the language proposed today was vetted through the POST Council, individual Chiefs, Sheriffs, and agency administrators, the Idaho Chiefs of Police Association and the Idaho Sheriffs Association. The final remarks and comments were adopted into the rules before the committee today.

Discussion from the committee followed in regards to the definition of moral turpitude, whether the definition offered was too broad thereby inadvertently disqualifying applicants.

**MOTION:**

**Rep. Packer** made a motion to send **Docket No. 11-1101-1301** to the full committee for further review. **Motion carried by voice vote.**

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 4:17 PM.

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Representative Dayley  
Chair

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Francoise Cleveland  
Secretary