

MINUTES  
**HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE**  
**BATEMAN SUBCOMMITTEE**  
Bateman

**DATE:** Monday, January 20, 2014  
**TIME:** 8:00 A.M.  
**PLACE:** Room EW05  
**MEMBERS:** Chairman Bateman, Representatives Malek, Horman, Meline  
**ABSENT/  
EXCUSED:** Representative Malek  
**GUESTS:** Karen Skow, Idaho Department of Juvenile Correction; Marey Chadwell, Idaho Department of Juvenile Correction

**Chairman Bateman** called the meeting to order at 8:02 AM.

**DOCKET NO. 05-0102-1301:** **Sharon Harrigfeld**, Director of the Department of Juvenile Corrections, presented **Docket No. 05-0102-1301**, the Pending Rule for the Department of Juvenile Corrections providing clarification on the Prison Rape Elimination Act (PREA) federal standards as it relates to Idaho detention standards. Ms. Harrigfeld explained the Juvenile Corrections Act's legislative intent is to provide a continuum of care for juveniles who have committed crimes. It also defines the duties of the Department of Juvenile Corrections, such as defining minimum standards for detention and, based on these standards, the care and certification of approved detention facilities. These rules focus on the safety and security of juveniles in county juvenile detention facilities, incorporates standards to adopt a zero tolerance toward sexual assault while in detention, and institutes best practices established from the PREA. A collaborative body made up of county detention facility administrators and one county commissioner helped in the development and revision of these rules and, subsequently, supported the final document. Significant modifications in these rules include: the change in staffing pattern during sleeping hours; an increase of frequency of background checks to every five years for those who have contact with juveniles; and, more thorough standards for the detection, prevention, reduction and response to sexual harassment and assault of juveniles in detention facilities.

**MOTION:** **Rep. Meline** made a motion to recommend approval of **Docket No. 05-0102-1301** to the full committee. **Motion carried by voice vote.**

**DOCKET NO. 57-0101-1201:** **Kathy Baird**, Management Assistant for the Sexual Offenders Management Board, presented **Docket No. 57-0101-1201**, the Pending Rule to repeal the entire chapter of the existing Administrative Rule. This rule has been entirely rewritten.

**MOTION:** **Rep. Horman** made a motion to recommend approval of **Docket No. 57-0101-1201** to the full committee. **Motion carried by voice vote.**

**DOCKET NO. 57-0101-1202:** **Kathy Baird**, Management Assistant for the Sexual Offenders Management Board, presented **Docket No. 57-0101-1202**, which is the Pending Fee Rule to implement procedures mandated to the Sexual Offender Management Board by Idaho's 2011 Legislature. Ms. Baird explained this Fee Rule is the complete rewrite of IDAPA 57.01.01

**Ms. Baird** explained the new standards create a higher level of consistency and continuity among Idaho's sexual offender service practitioners as well as establish statewide standards for sex offender treatment. Due to the extent in size of the full standard's document, this rule synthesizes the main components from that document.

The board conducted a process of negotiated rule making starting with a national expert in sex offender management who drafted the initial standards. The board used those standards to adopt the proposed rule for the individual needs of Idaho. Statewide input from providers as well as open hearings were conducted.

The standards and administrative rules cover the following: psychosexual evaluations; evaluator qualifications and certification procedures; sex offender treatment; sex offender treatment provider qualifications and certification procedures; and, post conviction sex offender polygraph examiner qualifications and certification procedures. The board is implementing three levels of evaluator and treatment provider certifications: senior level status which is the full status; associate provider for licensed individuals with a minimum of a master's degree; and, a provisional level provider who must be enrolled in a master's program and working towards licensure. These levels provide a pathway for new providers into the system thereby helping with the current shortfall of evaluator and treatment providers in the state.

Fees are outlined for the three types of providers. Each type and level of provider certification, including post conviction sex offender polygraph examiners, has specific education, experience, specialized training and continuing education requirements. The evaluation format has been modified to include specific psychological and risk assessment testing requirements as well as a checklist of static and dynamic variables.

**MOTION:** **Rep. Meline** made a motion to recommend approval of **Docket No. 57-0101-1202** to the full committee. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 8:32 AM.

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Representative Bateman  
Chair

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Francoise Cleveland  
Secretary