

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, January 29, 2014
TIME: 1:30 P.M.
PLACE: Room WW54
MEMBERS PRESENT: Chairman Lodge, Vice Chairman Vick, Senators Davis, Mortimer, Nuxoll, Hagedorn, Lakey, Bock and Werk
ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Lodge** called the meeting to order at 1:33 p.m.

RS 22683 **Relating to Battery Against Healthcare Workers - Emily McClure**, representing the Idaho Medical Association, said Idaho Law provided enhanced penalties for assault and battery against certain classes of professionals. For example: It is a felony to batter an EMT, police officer, tax commission employee, others. There is a serious problem in Idaho with violence against healthcare workers; particularly in emergency rooms and by those who are seeking drugs. Healthcare professionals are in the unique position that they are required to treat individuals, by law, even when they show up violent. To do so they have to be, often times, in close physical proximity with these patients. This bill would make it a felony to batter a healthcare worker or employee. The risk of job related violence against healthcare and social workers is presently higher than for any other field. Early study shows that from 1993 to 1999 the incidence of violent crimes against healthcare workers was two-times higher than that of any other private sector occupation. The most recent survey from the Bureau of Labor Statistics now shows that the likelihood of a healthcare worker being the victim of a violent crime, in the workplace, has grown to three times that of any other private sector occupation. Approximately 50 percent of all non-fatal injuries to workers, from violent acts, occur in the healthcare sector.

This bill differs from last year's bill in that it only applies to battery not assaults. Like last year's bill it includes a qualifier that the battery must take place "when the victim is in the course of performing his/her duties or because of the victims professional or employment status." Finally, the legislation includes a sentence which specifies "it shall be an affirmative defense to a violation of the statute that the action was taken by a person who because of mental illness or disability or because he is under the influence of lawfully obtained and properly used prescription drugs lacks the ability to form the intent to commit the crime." In addition, "the provisions of section 18-207 do not apply to this section." Statute 18-207 states that insanity is not a defense in Idaho.

Vice Chairman Vick questioned the sentence "or because of the victims professional or employment status." How will that be determined? **Ms. McClure** clarified, the attack must be because of their professional status. For example: If you had a nurse in the emergency room and you attacked that nurse in the parking garage, this would be because of her professional status as the nurse. The aim of including this particular provision is to address the occurrence of attacks in rural communities. Healthcare workers in these rural communities are being recognized by individuals with drug seeking behaviors when they are out on the streets.

They are being stopped and battered because they are a physician or a nurse practitioner with the ability to write a prescription for drugs.

Senator Hagedorn asked if a nurse got off duty at the hospital and went to the grocery store and on the way home was assaulted by an individual to steal their money or car would this legislation automatically be applied to this assault situation.

Ms. McClure answered the legislation would not apply in this scenario. It only applies in the situation of being battered because of their status as a nurse.

Senator Bock asked what would happen under current law if there was a battery of a nurse in the hospital room. **Ms. McClure** replied currently there are many batteries against nurses in hospital rooms, and that action would fall under the existing misdemeanor battery provisions. The problem is that there is an increase of battery against nurses and other healthcare professionals and the current misdemeanor statute is doing nothing to curb the incidents. This bill's aim is to curb the number of batteries against healthcare professionals.

MOTION: **Senator Werk** moved to print **RS 22683**. Seconded by **Senator Lakey**. The motion carried by **voice vote**.

PRESENTATION: Department of Juvenile Corrections - Sharon Harrigfeld, Director, stated they are a workforce of 401 dedicated staff who are responsible for the 24/7 operation to develop productive citizens in partnership with communities through juvenile crime prevention, education, rehabilitation and reintegration. The Legislature created the Department of Juvenile Corrections in 1995 using the Balanced Approach Model. Focusing on holding young offenders accountable for their crimes and keeping communities and juveniles safe. Providing them with experiences they need to become successful and productive adults. They respond to youth needs by building partnerships to make the most impact engaging families and treating juveniles as individuals because every situation is unique. It is their intent to have the juveniles move through the system without slipping through the cracks. Helping juveniles respond to the help they need to find more productive ways for them to seek what they need and address their issues at the earliest stage with the least restrictive methods. (attachment 1)

Projections/Programs:

- Keeping juveniles in community/grow into responsible adults/families have a major influence on their children's achievements
- Re-entry Planning Grant - Evidence-based programming for juveniles upon re-entry
- Mental Health funding/community incentive project/federal grants
- Matching Risks/Needs
- Diversion Programs
- Reparation/Juveniles Accountable for Harm Caused/Community Service
- Restorative Conferencing/Victim/Youth/Community-what happened, how choice affect others, harm be repaired, trust/community safety/reintegration

PRESENTATION: Idaho Criminal Justice Commission - Sara Thomas, Idaho State Appellate Public Defender and Chair of the Criminal Justice Commission, said this presentation (attachment 1) is an overview of the Commission's work in 2013/2014.

The Commission's vision is to collaborate for a safer Idaho. Their mission is for balance solutions which are cost-effective and that are based on best practices to achieve a safer Idaho. Their purpose is the efficiency and effectiveness of the criminal justice system to encourage dialogue among the respective branches of government. They encourage that dialogue by having representatives from all three branches of government.

Executive Branch Representation: Police, prosecution, corrections, education and Health and Welfare Department. Judicial Representation: Three judges that meet with the Commission along with the Administrative Director of the Courts. Legislative Representation: Two members from the Senate (Lodge and Bock) and two members from the House (Wills and Burgoyne). They include both county representation: Idaho Association of Sheriffs and Prosecuting Association. City Representation: Representative from the Chief of Police Association. Representation: Commission on Hispanic Affairs and public members.

Responsibilities: Accurate information through the Results First project. Project: Computer model that looks at the cost of a program and effectiveness of a program. How much funds the State is investing in, for example problem solving courts. Evaluating: How effective they are and the rate of recidivism of the individuals who have gone through them. Comparing outcomes for individuals that have gone to prison for possession versus individuals who have gone through the problem solving courts and taking into consideration the risk level of the those individuals. Then evaluating what is the most effective course of action for a possession case and how much funding is involved. This year they created the Community Guide to address criminal gangs in Idaho. The Guide lists resources that communities can access to answer questions about gangs in Idaho. It gives mechanisms to suppress gangs and encourages youth not to join gangs. (attachment 3)

Ross Mason - Chair, Children of Incarcerated Parents Subcommittee, explained a pilot program that has been instituted in two schools one in Boise and the second in the Valley View District. Their program started with 22 students and ended with 16. These students all had a parent or parents in prison for a sentence of six months or more. The ages of the children were 8 to 11 years old. The children met once a week in a club setting. They thought the program results would produce improved attendance and that would improve academics by default, hence improving behavior. The results were quite different then they expected. What happened was behavior at home improved substantially, (27 percent). All the students in the pilot who were not working at grade level when they started were working at grade level when they finished. Attendance improved just slightly. Parents and children universally felt that the program was valuable and all of the parents asked that the program would be continued. The second term of the pilot began in January and five schools have joined. They have been encouraged by the reception they received from counselors and teachers. The program is inexpensive to run and easy to set up once the children are identified and the parents buy-in to the program.

Senator Hagedorn stated with the statistic of a 27 percent improvement in behavior at home what was the reason behind this substantial improvement. **Ross Mason** explained at the beginning of the pilot they gave a questionnaire to the parents, students and teachers. They asked the questions at the end of the first and second term and compared them to the answers from the first questionnaire. They found many of the problems at school were being generated at home. The pilot is a socialization program that allowed the children to get out anger and hostility while they learned how to vent and talk and to relate their experiences and frustrations.

Chairman Lodge asked if the children's grades improved. **Mr. Mason** answered that the grades improved slightly. Most of the children were not working at grade level when they started the pilot, and at the end they were working at grade level. **Chairman Lodge** stated these schools have some difficult populations with children at risk. **Mr. Mason** replied that these schools were chosen because they are title one schools and poverty is strongly associated with this population.

Monty Prow - Chair, Criminal Justice Research Alliance Subcommittee, stated that the Idaho Criminal Justice Commission was awarded a small technology grant to assist Idaho Partners in establishing a technique of data sharing that has been successful in over 20 other states. This service does not create a single collect and report database rather it uses existing department's systems and creates an interpreter. This is a series of connections between existing systems. It is a very inexpensive way to assist the partners with crossover client data, only when appropriate, asked for, and when privacy and security can be assured.

Ms. Thomas pointed out some upcoming issues that the Commission is facing: PREA (Prison Rape Elimination Act), Misdemeanor Reclassification, Sex Offender Registration and an ongoing review on Fines/Fees Review.

ADJOURNED: There being no further business, **Chairman Lodge** adjourned the meeting at 2:40 p.m.

Senator Lodge
Chair

Carol Deis
Secretary