

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Monday, February 10, 2014

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Vick, Senators Mortimer, Nuxoll, Hagedorn, Lakey, Bock and Werk

ABSENT/ EXCUSED: Senators Davis

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 1:32 p.m. and asked the secretary to call the roll.

MINUTES: **Vice Chairman Vick** moved to approve the Minutes of January 22, 2014 as written. **Senator Mortimer** seconded the motion. The motion carried by **voice vote**.

RS 22679 **Relating to Gang Enforcement Act - Ellie Somoza**, Nampa Prosecuting Attorney, explained the proposed amendment to the Idaho Criminal Gang Enforcement Act is to conform the legislative intent regarding the Act. Currently, the enhancement only applies to felony charges filed by information or indictment. This amendment would allow the gang enhancement to be filed in a misdemeanor or juvenile case. There are penalties set forth in Idaho Code §18-8503, Subsection (a) related to misdemeanors. As the statute is currently written, it would only apply to a misdemeanor if that misdemeanor is combined with a felony in an indictment or information. On its own a misdemeanor could not be filed with a gang enhancement.

MOTION: **Senator Werk** moved to print **RS 22679**. Seconded by **Senator Hagedorn**. The motion carried by **voice vote**.

RS 22810C1 **Relating to Civil Actions - Robert L. Aldridge**, Trust and Estate Professionals of Idaho, Inc., stated this bill concerns the use of automated external defibrillators (AED). They are a portable device that checks heart rhythm and, if needed, can send an electric shock to the heart to restore a normal rhythm. When this statute came into existence in 1999, AEDs were relatively primitive and could be mishandled in use, potentially causing damage to the person being treated. Now AEDs are extremely automated, the device will not send the electric shock unless the user is walked through the process of the voice commands directed by the unit and will not be discharged unless the processing is correct. The original statute, based on the lower level of technology, required that a physician (osteopath) prescribe the AED, and the physician had to monitor the training. None of that is now needed. Physician requirements are routinely ignored and many AEDs are bought and used without the physician's involvement. AED's can be freely bought at multiple sources without a prescription. Idaho Code 5-337 reflects a requirement in the statute that is irrelevant with the new AEDs and the technology that has dramatically improved since the adoption of the old language.

MOTION: **Senator Nuxoll** moved to print **RS 22810C1**. Seconded by **Senator Mortimer**. The motion carried by **voice vote**.

ADJOURNED: There being no further business, **Chairman Lodge** adjourned the meeting at 1:43 p.m.

Senator Lodge
Chair

Carol Deis
Secretary