

MINUTES
HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

DATE: Thursday, January 29, 2015

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Wills, Vice Chairman Dayley, Representatives Luker, McMillan, Perry, Sims, Malek, Trujillo, McDonald, Cheatham, Kerby, Nate, Scott, Gannon, McCrostie, Nye, Wintrow

**ABSENT/
EXCUSED:** Reps. Perry, Malek

GUESTS: Holly Koole, IPAA; Michael Henderson, Idaho Supreme Court; Barry Wood, Idaho Supreme Court; Greg Morris, ACLU; Ian H. Thomson, PDC; John Duvall, PBAI.

Chairman Wills called the meeting to order at 1:30 PM.

MOTION: **Rep. McDonald** made a motion to approve the minutes of the January 13, 2015, meeting. **Motion carried by voice vote.**

MOTION: **Rep. McDonald** made a motion to approve the minutes of the January 15, 2015, meeting. **Motion carried by voice vote.**

MOTION: **Rep. Scott** made a motion to approve the minutes of the January 21, 2015, McDonald Subcommittee meeting. **Motion carried by voice vote.**

MOTION: **Rep. Nye** made a motion to approve the minutes of the January 21, 2015 meeting. **Motion carried by voice vote.**

RS 23374: **Michael Henderson**, Idaho Supreme Court presented **RS 23374**, Juvenile Sentencing. This proposed legislation would clarify that the courts may sentence a juvenile into the custody of the Department of Juvenile Corrections and provide that the juvenile will be on probation following their release from custody. This proposed legislation gives guidance for determining the length of the sentence, and requires a hearing within 30 days of their release in order to determine the terms and conditions of their probation.

In response to questions from the committee, **Mr. Henderson** explained that the Juvenile Justice Advisory Committee suggested this legislation based on their experiences, which have proven that this clarification is needed. He noted that giving judges the ability to determine the length of the probation following release, is especially crucial. Mr. Henderson also explained that there is no fiscal note because the practice of placing a juvenile on probation is widely followed now; however, this legislation is needed to provide the guidelines for continuing to do so.

MOTION: **Rep. Dayley** made a motion to introduce **RS 23374**. **Motion carried by voice vote.**

RS 23375: Senior District Judge, **Barry Wood**, Idaho Supreme Court presented **RS 23375**, Crime Victims. This proposed legislation would change two statutes in order to correct issues that arise when victims attempt to collect restitution. Currently there is a five year limitation for a victim to claim restitution unless the victim renews their claim. This proposed legislation would extend the time the victim has to claim restitution from five years to twenty years.

MOTION: **Rep. Trujillo** made a motion to introduce **RS 23375**.

In response to a question, **Mr. Wood** clarified that after the 20 years have passed, the victim would still have the opportunity to renew the claim.

VOTE ON MOTION:

Motion carried by voice vote.

RS 23376:

Senior District Judge, **Barry Wood**, Idaho Supreme Court, presented **RS 23376**, Bail. This proposed legislation was designed to correct an issue with the Idaho Bail Act. The issue arises when a defendant has done the following: posted bond, failed to appear in court, been rearrested on a bench warrant, posted bond again with a different company and have skipped court, again, all together. This causes an issue for the courts as well as the bail bond companies because the company cannot be exonerated until the defendant has appeared in court. This proposed legislation would give the courts the opportunity to set a bond, to set conditions with the bond, or to not set a bond until the defendant has appeared before the court for conditions to be set.

MOTION:

Rep. Luker made a motion to introduce **RS 23376**. **Motion carried by voice vote.**

RS 23413:

Michael Henderson, Idaho Supreme Court, presented **RS 23413**, Credit for Time Served. This proposed legislation is necessary because there is no statute that allows for time served prior to sentencing, to be applied to the total time in their sentence. This proposed legislation would credit their time served to their total sentence.

In response to questions from the committee, **Mr. Henderson** explained that the estimated savings of half a million dollars is due to the reduction of time the offender would spend in jail. Mr. Henderson also explained that credit would be given no matter the circumstances, as long as the time served was for the same crime they are currently being sentenced for.

MOTION:

Rep. Trujillo made a motion to introduce **RS 23413**. **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:06 PM.

Representative Wills
Chair

Katie Butcher
Secretary