

MINUTES  
**HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE**

**DATE:** Monday, February 09, 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:** Rep. Kerby

**GUESTS:** Holly Koole Rehboltz, IPAA; Bryan Taylor, IPAA; Steve Richardson, ISP; Dave Jones, ITD; Sandee Meyer, IPAA; Ralph Powell, ISP; Bev Evans; Ian Thomson, IPDC; Amber Renee, City of Boise; Andrew Mitzel, Realtors; John Eaton, Realtors; Barry Wood, Idaho Supreme Court; Dave Carlson, AAA Idaho; Mike Kane, ISA; Dan Blocksom, IAC.

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

**MOTION:** **Rep. Dayley** made a motion to approve the minutes of the February 3, 2015, meeting. **Motion carried by voice vote.**

**RS 23285:** **Rep. Luker** presented **RS 23285** which would repeal two statutes and is related to a group of bills to reclassify low level misdemeanors to infractions to reduce public defense work load and cost. The first statute makes it an offense to refuse or neglect to assist the county law enforcement in making an arrest. The second statute addressed tampering with a vehicle, but is addressed by other laws. Neither statute has been used recently.

**MOTION:** **Rep. Sims** made a motion to introduce **RS 23285**. **Motion carried by voice vote.**

**RS 23286:** **Rep. Luker** presented **RS 23286** which would reclassify curfew violations from a low level misdemeanor to a infraction and sets a \$150 infraction fine for curfew violations.

**MOTION:** **Rep. Trujillo** made a motion to introduce **RS 23286**. **Motion carried by voice vote.**

**RS 23298:** **Rep. Luker** presented **RS 23298** which would reclassify fish and game violations affecting certain grouse permits, taking of upland birds with exceptions, public use restrictions, use of certain live bait, evidence of species and Henry's Lake fishing limits. The proposed legislation would maintain the fine for existing infractions at \$72 but would remove reference to the Idaho infraction rules. The proposed legislation would set a \$250 fine for the infraction.

**MOTION:** **Rep. Perry** made a motion to introduce **RS 23298**. **Motion carried by voice vote.**

**RS 23352C1:** **Rep. Luker** presented **RS 23352C1** which would reclassify violations regarding litter and debris on highways, public and private property. The proposed legislation would change the structure of two statutes addressing litter and debris on highways and on private and public property so the two statutes are the same in application, although they appear in two separate titles of the code. Penalties would be set as follows: a first time offense infraction would be \$150, a second offense within 2 years would be \$300 infraction penalty, and a third offense within 3 years as a misdemeanor would have a fine not exceeding \$1,000 and jail of up to 30 days.

In response to questions from the committee, **Rep. Luker** explained that a specific distinction between debris and litter has not been previously made. A specific designation could be added based on the type of debris, or based on willful or negligent placement of the item. This legislation does not include that specific designation.

**MOTION:** **Rep. Dayley** made a motion to introduce **RS 23352C1**. **Motion carried by voice vote.**

**RS 23443:** **Rep. Luker** presented **RS 23443** which would reclassify various fireworks violations. The proposed legislation would set a \$100 infraction fine for lesser firework offenses. In the case of offenses involving moving vehicles or use of fireworks in severe fire areas the proposed legislation would provide for an initial infraction of \$250, and for a subsequent conviction within two years, a misdemeanor with up to a \$1,000 fine.

**MOTION:** **Rep. Perry** made a motion to introduce **RS 23443**. **Motion carried by voice vote.**

**H 82:** **Major Steve Richardson**, ISP presented **H 82**, which would authorize the Idaho State Police to close or restrict use of a highway or road for public safety and to make technical corrections. Examples of necessary closures or restrictions could include felony situations involving felony stops, stand-offs and/or shots fired, hazardous materials incidents, and crashes involving significant or total road blockage, as well as certain fast developing weather events such as dust storms. Road closures or restrictions involved with these types of situations are typically fairly short-term in duration. This legislation would enhance public safety, provide legal immunity and streamline the process. The Idaho Department of Transportation is co-sponsoring this legislation.

**Rep. Nye** invoked Rule 38 stating a possible conflict of interest.

**MOTION:** **Rep. Trujillo** made a motion to send **H 82** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Trujillo** will sponsor the bill on the floor.

**Holly Koole Rebholtz**, IPAA introduced a fact pattern for the Day in the Life of a Case presentation. The purpose of this presentation is to provide the committee with a better understanding of the role each agency plays throughout the course of a case. (See attachment 1.)

Detective **Brian Holland**, Boise Police Department, explained from a law enforcement officer's perspective the steps and considerations he would make during a traffic stop.

**Bryan Taylor**, Idaho Prosecuting Attorneys Association, outlined the role of the prosecutor's office, based on the details of the stop **Detective Holland** provided. (See attachment 2.)

**Ian Thomson**, Idaho Public Defense Commission, explained the role of the public defender.

Senior District Judge, **Barry Wood**, Idaho Supreme Court, explained the role of the court in the instance of a change of plea or sentencing.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:52 PM.

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Representative Wills  
Chair

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Katie Butcher  
Secretary