

MINUTES

## HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

**DATE:** Tuesday, February 17, 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. Nate

**GUESTS:** Holly Koole, IPAA; Michael Kane, ISA; Teresa Baker, ISP; Steve Richardson, ISP; Marsi Woody, ISP; Barry Wood, ISC; Robert Anderst, HD12; Curtis Homer; Ian Thomson, IPDC; Dawn Peck, ISP; Dan Blocksom, Idaho Association of Counties.

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

**MOTION:** **Rep. Nye** made a motion to approve the minutes of the February 5, 2015, meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Dayley** made a motion to approve the minutes of the February 9, 2015, meeting. **Motion carried by voice vote.**

**RS 23617:** **Major Steve Richardson**, Idaho State Police presented **RS 23617**. The Attorney General's Office has advised Idaho State Police that they do not have clear authority to contract with a private company or entities for certain services provided by ISP. The lack of ability to "contract" does not allow ISP to recoup costs associated with services provided to assist private companies to accomplish necessary tasks such as the safe transportation of mega loads, ensuring safety and security for the FDIC during bank closings, or ensuring safety and security for large-scale events such as festivals or events taking place on public roadways or otherwise significantly impacting public safety. ISP has sought and received approval for these services through the Board of Examiners to pay over time, and the Board of Examiners is aware these payments were the result of contracts or agreements between ISP and private entities. Over the course of fiscal years 2013 and 2014 there were three projects each year, resulting in over time reimbursements between \$33,604 and \$38,419. This proposed legislation would grant express authority to the Director of ISP and make it clear that ISP does have the statutory authority to enter into contractual agreements for the Idaho State Police to provide services to private entities if it is deemed necessary to enforce the law or ensure public safety when those services are beyond the usual and customary services provided by the Idaho State Police.

**MOTION:** **Rep. Trujillo** made a motion to introduce **RS 23617**. **Motion carried by voice vote.**

**RS 23610:** Senior District Judge, **Barry Wood**, Idaho Supreme Court presented **RS 23610**. The intent of this proposed legislation is to address closing a very narrow loophole that has been discovered in the Idaho Bail Act, adopted in 2009, and applies **ONLY** to those who have a bench warrant for failure to appear in Court.

**MOTION:** **Rep. Kerby** made a motion to introduce **RS 23610**. **Motion carried by voice vote.**

- RS 23528C2:** **Rep. Luker** presented **RS 23528C2**, which addresses minors in possession of, distribution of, or using false identification to obtain tobacco. This proposed legislation sets a \$17.50 infraction fine for underage possession, use and consumption, a first offense infraction of \$200 for sale or distribution, false identification to obtain, and for subsequent offenses for sale, distribution, or false identification to obtain, a misdemeanor is maintained with a fine up to \$300, but reduces potential jail time from 6 months to 30 days.
- MOTION:** **Rep. Malek** made a motion to introduce **RS 23528C2**. **Motion carried by voice vote.**
- RS 23628:** **Rep. Luker** presented **RS 23628**. This proposed legislation reclassifies litter and debris offenses from misdemeanors to infractions. Review of the statutes disclosed that there was no statutory deterrence for willfully placing debris on highways and streets in a way that impedes traffic or creates a driving hazard. This trailer bill to **H 104** would add a new subsection and create a misdemeanor to address that concern.
- MOTION:** **Rep. Gannon** made a motion to introduce **RS 23628**. **Motion carried by voice vote.**
- RS 23619:** **Rep. Luker** presented **RS 23619**. This proposed legislation would reclassify fish and game violations from a misdemeanor to an infraction. Similar to **RS 23298**, the proposed changes would affect certain grouse permits, taking of upland birds with exceptions, public use restrictions, evidence of species and Henry's Lake fishing limits; however, the use of certain live bait was removed. The bill also maintains the fine for existing infractions at \$72 but removes reference to the Idaho infraction rules. It also sets a \$250 fine for the infractions being migrated from misdemeanor to infraction status.
- MOTION:** **Rep. Gannon** made a motion to introduce **RS 23619**. **Motion carried by voice vote.**
- RS 23608:** **Rep. Gannon** presented **RS 23608**. This proposed legislation would provide that jurors are compensated \$50 for each day served in excess of 5 days. The counties will continue to pay the minimum payment of \$10 per day and the balance will be reimbursed to the counties from a fund financed by a \$2 increase in civil filing fees. The jury pay raise will be implemented over a two year period so that the \$2 filing fee fund has time to accumulate funds.
- Rep. McMillan** stated her support and co-sponsorship of the proposed legislation. She believes it is important that jurors be compensated when their jury duty is extended beyond the five days, especially because other officers of the court have received increases in compensation and salary.
- MOTION:** **Rep. McCrostie** made a motion to introduce **RS 23608**. **Motion carried by voice vote.**
- Chairman Wills** turned the gavel over to **Vice Chairman Dayley**.
- RS 23626:** **Rep. Wills** presented **RS 23626**, which extends the implementation deadline for Department of Correction training dates previously set in **S 1357** (2014), from March 1, 2015 to October 1, 2015.
- MOTION:** **Rep. Kerby** made a motion to introduce **RS 23626**. **Motion carried by voice vote.**
- Vice Chairman Dayley** turned the gavel over to **Chairman Wills**.

**RS 23473C1:** **Rep. Anderst** presented **RS 23473C1**. The purpose of this proposed legislation is to amend the Sexual Offender Registration Notification and Community Right-To-Know Act and require certain violent offenders to register under this act. This proposed legislation amends Title 18, Chapter 83, Idaho Code renaming the act to the Sexual and Violent Offender Registration Notification and Community Right-To-Know Act, and requires certain violent offenders to register under the act. These amendments are brought forward to provide a greater level of safety to the community and victims, allowing access to offender locations for public safety awareness and effective law enforcement. Violent offenses included under these amendments are: battery with intent to commit a serious felony, felony domestic violence, attempted strangulation, first or second degree murder, assault with intent to murder, first and second degree kidnapping and human trafficking. At its core, this bill is about knowledge that can protect a victim who has been violently or sexually assaulted.

**MOTION:** **Rep. Trujillo** made a motion to introduce **RS 23473C1**. **Motion carried by voice vote.**

**RS 23620:** **Michael Kane**, Idaho Sheriffs Association, presented **RS 23620**. The purpose of this bill is to amend the fee for applying for a concealed weapons permit from \$20 to \$40. The fee has not been adjusted in over 20 years, and the actual cost of processing the fee at the county level is well over \$20.

**MOTION:** **Rep. McCrostie** made a motion to introduce **RS 23620**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:18 PM.

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Representative Wills  
Chair

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Katie Butcher  
Secretary