



ACLU of Idaho
PO Box 1897
Boise, ID 83701
(208) 344-9750
www.acluidaho.org

SUPPORT HB 101

Repealing refusing assistance to an officer and tampering with a vehicle

Mr. Chairman and members of the committee, my name is Kathy Griesmyer and I'm the Public Policy Strategist for the American Civil Liberties Union of Idaho. The ACLU of Idaho is a non-partisan, non-profit organization dedicated to protecting the civil rights of all Idahoans, including the fundamental rights to free speech, freedom to and from religion, privacy, and due process. I'm here today to testify in support of HB 101 and to encourage each of you to vote yes in sending the legislation forward to the House floor with a do pass recommendation.

The changes considered by this legislation strike a balance for how to appropriately deal with offenses that do not merit jail time. Over the past several decades our criminal justice system has been inundated with more misdemeanor statutes that have ultimately resulted in a higher burden for courts, prosecutors, public defenders and those accused of committing an offense.

Our current public defense system is unsustainable and as the legislature grapples with how to fix it, these misdemeanor repeals serve as only a symbolic effort in alleviating the burdens defenders face in the court room every day, but the legislature must take further action. These bills will have no real or meaningful impact; our public defender system will remain as broken and under-resourced as it has been for too long.

For example, based on a 2013 report from the Idaho Courts listing misdemeanor charges for the year, there were only 27 charges related to refusing assistance to officers and only 18 charges related to tampering with a vehicle.

An excessive number of misdemeanor crimes at the municipal and state level have put huge pressure on the ailing indigent defense system. Every charge that carries the threat of jail time triggers the requirement to provide constitutionally adequate representation to that person. The more charges are brought, the more lawyers must be provided, and this legislation will restore a proper balance to the criminal justice system.

In a 2009 report from the National Association of Criminal Defense Lawyers titled "The Terrible Toll of America's Broken Misdemeanor Courts", they stated that public defenders and judges across the country have noted that misdemeanor case loads are clogged with crimes that should not be punishable with expensive incarceration. With less misdemeanor crimes on the books, it allows for public defenders to focus their energy and resources on more important cases where there is a higher chance or threat level for incarceration. At the same time, while reducing low-level misdemeanors to infractions, we can be sure that there are no major impacts to public safety, while also saving taxpayer dollars as we spend less on costly incarceration.

While reclassification is not, by itself, "the solution" to indigent defense problems, it is a sensible and practical way to go about reducing pressure on the system and freeing up resources for more serious offenses. But the legislature will have to look at misdemeanors that are commonly charged, like driving without privileges, if it wants to have any effect. We ask that you vote yes in sending HB 101 forward with a do pass recommendation.



SUPPORT HB 102

Reclassifying the penalty for juvenile curfew violation to an infraction

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For example, based on a 2013 report from the Idaho Courts listing misdemeanor charges for the year, there were only 12 charges related to juvenile curfew violations.

An excessive number of misdemeanor crimes at the municipal and state level have put huge pressure on the ailing indigent defense system. Every charge that carries the threat of jail time triggers the requirement to provide constitutionally adequate representation to that person. The more charges are brought, the more lawyers must be provided, and this legislation will restore a proper balance to the criminal justice system.

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