

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Monday, March 02, 2015

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Hagedorn, Senators Davis, Tippetts, Johnson, Bayer, Souza and Burgoyne

ABSENT/ EXCUSED: All present, with a vacancy in District 17.

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 Senate Judiciary and Rules Committee (Committee) to order at 1:33 p.m.

MINUTES APPROVAL: **Senator Bayer** moved to approve the Minutes of February 2, 2015. **Senator Tippetts** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Tippetts** moved to approve the Minutes of February 6, 2015. **Senator Bayer** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT: Vote on the gubernatorial appointment of Sara Thomas to the State Public Defense Commission.

Senator Davis moved to send the gubernatorial appointment of Sara Thomas to the State Public Defense Commission to the floor with recommendation that she be confirmed by the Senate. **Senator Tippetts** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT: Kimber Ricks of Rexburg, Idaho was appointed to the State Public Defense Commission (Commission) to serve a term commencing July 1, 2014 and expiring July 1, 2017. **Mr. Ricks** spoke of his respect for this position and his deep concern for an offender in need of adequate defense. Mr. Ricks is currently serving as a Madison County Commissioner.

Chairman Lodge asked why he wanted to serve. **Mr. Ricks** answered that Idaho counties are not a homogeneous group yet all are subject to the same law, so the appointment is challenging and exciting.

Senator Burgoyne asked about Mr. Ricks' experience as a county commissioner dealing with public defense issues; what is lacking in the system. **Mr. Ricks** replied Madison County is smaller and has an excellent public defender. It is a dry county with a large student population at a church university that tends to police itself. There is a low crime rate and public defense is not in demand. The contracts made with the public defender is subject to questions because of the payment process. **Senator Burgoyne** followed up with a question about his impressions of what he will be facing. **Mr. Ricks** feels he is on a steep learning curve in trying to understand and help the diverse counties adjust to the same laws. There has been learning by all involved in the Commission and relationships established with the Legislature and other committees.

Chairman Lodge set the voting on Mr. Ricks' confirmation for Wednesday, March 4, 2015, and thanked Mr. Ricks for agreeing to serve on the Commission.

**UNANIMOUS
CONSENT
REQUEST:**

Senator Davis asked for unanimous consent to send **RS 23601** to the Senate Commerce and Human Resources Committee and **RS 23655** to the Senate Health and Welfare Committee for a print hearing. There were no objections.

S 1095

Shane Evans, Sexual Offender Management Board (SOMB), presented a PowerPoint explaining **S 1095**, a proposal for a five-level registration and notification system for identification of sexual offenders previously assessed as having a high risk to re-offend. He also detailed the fiscal impact of the bill (see attachments 1 through 5).

A lengthy discussion ensued over the determination of the default level four and how to petition for a change. The time limit on levels, length and cost of the petition, out of state offenders and definitions of each level were brought out in the discussion. **Senators Burgoyne, Tippets, Johnson, Lodge, Souza, Davis and Hagedorn** posed questions to Mr. Evans for clarification.

TESTIMONY:

Kathy Griesmyer, Idaho ACLU, testified in support of the bill with some concerns. She indicated those concerns as follows:

1. Default level four is too harsh for those who should be at a level one.
2. The process would be difficult to navigate.
3. The cost of evaluation would range from \$1000 to \$1300 which could be a financial barrier.

Senator Hagedorn requested that Ms. Griesmyer be involved in the rulemaking process. **Ms. Griesmyer** replied she and the Idaho ACLU stand ready to help out and be supportive of this legislation.

MOTION:

Senator Davis moved that **S 1095** be sent to the floor with a **do pass** recommendation. **Senator Johnson** seconded the motion. The motion carried by **voice vote**.

H 82

Major Steve Richardson, Idaho State Police (ISP), took the podium to answer questions from Senator Davis about the language of the bill.

MOTION:

Senator Davis moved that **H 82** be sent to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion.

Senator Bayer asked for clarification on whether this would allow ISP to set up stations for drunk driving. **Major Richardson** stated it was not for that purpose, but to provide emergency and public safety needs.

The motion carried by **voice vote**.

Chairman Lodge said **H 61, H 64** and **H 62** would be rescheduled at a later date.

ADJOURNED:

There being no further business, **Chairman Lodge** adjourned the meeting at 2:57 p.m.

Senator Lodge
Chairman

Carol Cornwall
Committee Secretary

Barbara Lewis
Assistant Secretary