

MINUTES

HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

DATE: Thursday, March 05, 2015
TIME: 1:30 or Upon Adjournment
PLACE: Room EW42
MEMBERS: Chairman Wills, Vice Chairman Dayley, Representatives Luker, McMillan, Perry, Sims, Malek (Malek), Trujillo, McDonald, Cheatham, Kerby, Nate, Scott, Gannon, McCrostie, Nye, Wintrow
**ABSENT/
EXCUSED:** Reps. Wills, Wintrow, Perry, McMillan and Luker
GUESTS: Sharon Harrigfeld, IDJC; Bob Aldridge, TEPI.

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

S 1034: **Director Sharon Harrigfeld**, Idaho Department of Juvenile Corrections, presented **S 1034**. This bill would close a gap in the law. Current law states that a person over the age of 18 in custody on a juvenile case should be adjudicated for escape under the Juvenile Corrections Act (JCA). JCA states there is no jurisdiction for acts committed by persons over 18. Anyone over 18 who escapes on a juvenile case cannot be prosecuted under the JCA or the current statute in magistrate court. **S 1034** would revise the law to allow those over 18 who escape on a juvenile case to be adjudicated as adults in adult court. It is logical, since they are committing a crime by escaping and they are an adult because they are over 18, that the case be handled in adult court.

MOTION: **Rep. Gannon** made a motion to send **S 1034** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gannon** will sponsor the bill on the floor.

S 1051: **Robert Aldridge**, Trust and Estate Professionals of Idaho (TEPI) presented **S 1051**. This bill is to clarify an ambiguous and vague provision in the Idaho Probate Code. The original code was intended to say that conflicting documents could not be filed for probate in the original petition for probate. For example, two different wills could not be filed in a single probate case by the petitioner, essentially asking the court to figure out which was the correct one. However, a will and one or more codicils have not been deemed to be conflicting. The language used was not clear and should be clarified.

MOTION: **Rep. McCrostie** made a motion to send **S 1051** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McCrostie** will sponsor the bill on the floor.

S 1052: **Robert Aldridge**, Trust and Estate Professionals of Idaho (TEPI) presented **S 1052**. This bill corrects the use of the wrong word by replacing it with the correct word. The statute pertains to spendthrift trusts, which are trusts designed to prevent the beneficiary from selling or assigning their rights in the trust, and to prevent creditors of the beneficiary from invading the trust to pay the debt. The statute should have referred to an "ascertainable standard", which is a standard for distribution that is clear, such as: health, education, support and maintenance, one of the most frequently used ascertainable standards. However, instead the phrase was written as "ascertainable standing", which doesn't fit in the context of that section. It is an obvious typographical error and should be corrected.

MOTION: **Rep. Nye** made a motion to send **S 1052** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Nye** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:40 PM.

Representative Dayley
Chair

Katie Butcher
Secretary