

MINUTES

## HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

**DATE:** Friday, March 27, 2015

**TIME:** 1:30 or Upon Adjournment

**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:** Reps. Perry, McMillan, Dayley, Sims and Malek

**GUESTS:** None

**Chairman Wills** called the meeting to order at 1:01 PM.

**S 1170:** **Sen. Burgoyne** presented **S 1170** which improves Idaho's judicial qualifications statutes by filling in qualification gaps, making the qualifications consistent and crediting legal experience in the military or as a judge toward the current legal requirements in the statutes. Current gaps and omissions in the code are as follows: the judicial qualifications in Idaho Code only apply to District Judges; magistrate judges are not required to be citizens of the United States or legal residents of Idaho; Court of Appeals Judges and Justices of the Supreme Court are not required to be registered to vote; no judicial position is required to have a clean ethical record; and, current legal experience requirements do not recognize military legal experience. This bill corrects these omissions and would require the following for all Idaho Judicial Officials: the individual must be 30 years of age; a United States citizen; a legal resident of Idaho for 2 years; lawfully registered to vote; in good standing as active or judicial members of the Idaho State Bar for at least 2 years; and have a minimum of 5 years legal experience for magistrate courts and 10 years legal experience for all other judicial officials.

**MOTION:** **Rep. McCrostie** made a motion to send **S 1170** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wills** will sponsor the bill on the floor.

**S 1154aa:** **Sen. Rice** presented **S 1154aa**. Slavery has become a criminal enterprise both in the case of labor and sex trafficking. Victims are often forced to commit crimes including prostitution and robbery which can result in criminal convictions and arrest records. Law enforcement and prosecutors do not wish to prosecute these victims for crimes they were coerced or forced to commit. Arrests, convictions and prosecutions become public record and interfere with the victims ability to get a job, a house or further their education. This bill provides a mechanism for victims with Idaho arrests, prosecutions and convictions to be expunged. A petition would be filed with the court where the arrest, prosecution or conviction occurred. Their burden of proof is to prove they were a victim of human trafficking and were required to commit the crime by their abductor. If the court grants the victim's petition the court would vacate any conviction and expunge the record, resulting in the victim being able to swear under oath that they were not arrested or convicted.

**MOTION:** **Rep. Kerby** made a motion to send **S 1154aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Youngblood** will sponsor the bill on the floor.

**MOTION:** **Rep. Trujillo** made a motion to approve the minutes of the March 23, 2015, meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Trujillo** made a motion to approve the minutes of the March 25, 2015, meeting. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:21 PM.

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Representative Wills  
Chair

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Katie Butcher  
Secretary