

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Friday, February 12, 2016

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Nonini, Senators Davis, Lee, Anthon, Burgoyne and Jordan

ABSENT/ EXCUSED: Senators Johnson and Souza

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 1:30 p.m.

Senator Davis indicated that, although the RSs to be presented could go directly to the Tenth Order for consideration by the Senate, he requested they be brought back to the Committee after printing for further discussion prior to going to the floor. **Chairman Lodge** advised that the RSs would be returned to the Committee after printing.

RS 24343 **Senator Davis** explained that **RS 24343** changes Senate Rule 20 to make the language more consistent with how the rule is applied. An addition to Senate Rule 20H states that the Chair's decision is final and cannot be appealed to or by the Committee, which is the historical practice of the Idaho Senate.

Senator Burgoyne pointed out that there has been productive discussion among the majority and the minority leadership. On the other RSs they were able to reach an agreement, but not on this one, and he would be voting no.

MOTION: **Senator Lee** moved to send **RS 24343** to print. **Senator Anthon** seconded the motion. Motion passed by **voice vote**. **Senator Burgoyne** and **Senator Jordan** requested to be recorded as voting nay.

Senator Davis affirmed that the leadership of both parties and in both houses have worked hard to reach conclusions on which they can agree. He noted that each of the remaining RSs are sponsored by the majority and the minority leadership.

RS 24346 **Senator Davis** related that there has been concern about the fifty-fifth legislative day when it occurs on a Saturday. **RS 24346** provides clear direction by amending Joint Rule 20 to state "transmittal must be made on or prior to the fifty-seventh day."

MOTION: **Senator Nonini** moved to send **RS 24346** to print. **Senator Burgoyne** seconded the motion. The motion passed by **voice vote**.

RS 24347 **Senator Davis** observed that Joint Rule 21 deals with video recordings of the proceedings in the Senate Chamber. In order to maintain comprehensive records, **RS 24347** will direct that a copy of recorded proceedings beyond two years old will be provided to the State archivist.

MOTION: **Senator Nonini** moved to send **RS 24347** to print. **Senator Lee** seconded the motion. Motion passed by **voice vote**.

RS 24487

Senator Davis referred to Joint Rule 18, pointing out that **RS 24487** has received the most attention of this group of RSs. After much consideration the entire rule was rewritten. There is now one section for the Statement of Purpose and one section for the Fiscal Impact, providing clear and adequate information for the public. Regarding the Fiscal Impact, **Senator Davis** stated that "No fiscal impact" should not be used without an explanation. Under this legislation, if one-third of the Committee perceives that the fiscal note is inaccurate, a subcommittee can be appointed to examine it for a future meeting. He mentioned other changes that were for clarifying purposes.

MOTION:

Senator Burgoyne moved to send **RS 24487** to print. **Senator Jordan** seconded the motion. The motion passed by **voice vote**.

Senator Nonini inquired if these would come back to the Committee after printing. **Senator Davis** replied that they do not have to come back, but he suggested that they do come back. **Senator Nonini** expressed that he was approached about a fiscal note being "none" when in fact it carried a very large fiscal impact to county government. He supported the return of the RSs to the Committee. **Chairman Lodge** reaffirmed that they will come back to the Committee.

Chairman Lodge acknowledged the six Gubernatorial appointees who were in attendance, stating that members of the Committee had been able to meet with them informally prior to the Committee meeting.

GUBERNATORIAL REAPPOINTMENT HEARING:

Michael David Johnston, Sexual Offender Management Board (SOMB), who was reappointed to SOMB, detailed his background including his involvement as Vice Chairman of SOMB and Chairman of the subcommittee to reform the registry for SOMB. He also informed the Committee of his work as a private clinician and as a forensic psychologist.

GUBERNATORIAL REAPPOINTMENT HEARING:

Jeffrey A. Betts, who was reappointed to SOMB, stated that he is serving as the Juvenile Treatment and Assessment Specialist on SOMB. He stated that he is a licensed professional clinical counselor and a marriage and family therapist. **Mr. Betts** advised that he has also worked with juvenile sexual offenders in a residential program, Terry Reilly Health Services, focusing on juveniles in an outpatient setting and now works with St. Luke's Health System. He also provides private consultation services and juvenile sexual abuse evaluations.

GUBERNATORIAL REAPPOINTMENT HEARING:

William Dale Crawford, who was appointed to SOMB, informed the Committee that he is the Chief Investigator of the Canyon County Prosecutor's Office and has been in law enforcement for 25 years. He related that he started the first polygraph program for Caldwell. **Mr. Crawford** stated that he has a private business where he provides criminal and civil polygraphs and sex offender testing. The Legislature determined it was necessary to have a polygrapher on SOMB. He added that he is looking forward to serving in this position.

Senator Nonini stated that Mr. Crawford did not answer the question dealing with party affiliation. He inquired what Mr. Crawford's party affiliation is. **Mr. Crawford** replied that he is a Republican.

Senator Jordan asked why there needs to be a polygrapher on SOMB. **Mr. Crawford** answered that the process of rehabilitating sex offenders has two parts, treatment and supervision. Polygraphs are used in treatment to determine the offenders' backgrounds so proper treatment can be provided. When offenders are released, for the safety of society, probation requires polygraphs every few months to make sure they are following probation requirements.

GUBERNATORIAL REAPPOINTMENT HEARING: **Matthew Allen Thomas** stated that he is the Sheriff of Washington County and has been in law enforcement with that county for about 18 years. He holds certifications through Peace Officer Standards and Training (POST). He explained that Idaho Sheriffs register sex offenders in their counties and enforce the law regarding the registry.

GUBERNATORIAL REAPPOINTMENT HEARING: **Moira A. Lynch**, introduced herself and explained that she has a degree from Boise State University in criminal justice. She pointed out that she has been with the Idaho Department of Correction (IDOC) for 19 years and has been a supervisor in the Sex Offender Management Unit in District 4. Now she is the District Manager supervising Ada, Boise, Elmore and Valley counties. **Ms. Lynch** asserted that she wants to continue serving Idaho and to lend her expertise and knowledge in community corrections and probation and parole to SOMB.

Chairman Lodge noted that Ms. Lynch has 100 employees and asked how many offenders they supervise. **Ms. Lynch** replied that she has 60 probation and parole officers and 40 with other assignments. There are more than 4,000 offenders being supervised.

GUBERNATORIAL REAPPOINTMENT HEARING: **Erwin Sonnenberg** mentioned that he served as Coroner for Ada County. Some of his investigations analyzed victims of sexual assault. He observed that he has also dealt with perpetrators who died from suicide or murder. Being an elected official, **Mr. Sonnenberg** pointed out that he has discussed with numerous members of the public their concerns regarding sexual offenders. He commented that his accessibility to the public and his knowledge of their concerns will be of benefit to SOMB.

Senator Burgoyne asked Kathy Baird, Management Assistant for SOMB, if all of the statutory criteria have been met for these appointees. **Kathy Baird** replied that each position on SOMB is appropriately filled and referred Senator Burgoyne to the Idaho SOMB handout (see attachment 1).

Senator Lee inquired of Ms. Baird if it is difficult to recruit people due to the nature of SOMB and asked if the Committee could assist in any way. **Ms. Baird** stated that the level of difficulty in recruiting depends on the position. She explained that it has been difficult, at times, finding a public member or a public defender member. She went on to say that it was not a big problem but only dealt with certain positions.

PRESENTATION: **Jon Burnham**, Chairman, SOMB, informed the Committee that he has held his position for less than a year, having taken over for Shane Evans. He referred the Committee to the brief sheet (see attachment 1, page 3) that he will be using. **Mr. Burnham** shared the history of SOMB and noted the SOMB and their expertise. He thanked the Committee for approving the new polygraph specialist position and noted that SOMB now certifies the polygraphers throughout the State.

Mr. Burnham outlined accomplishments achieved during the last year, including providing certifications for adult and juvenile psychosexual evaluators, adult and juvenile treatment providers and post-conviction polygraph examiners. He identified the standards for these certifications (see attachment 1, page 1). **Mr. Burnham** then detailed the tiered adult and the tiered juvenile sex offender registration processes (see attachment 1, pages 1-2).

Future plans for SOMB, according to Mr. Burnham, include revisions and improvements in the tiered programs, continuing education programs for community providers, juvenile community supervision guidelines and recommendations and refinement and implementation of the quality assurance process. **Mr. Burnham** provided the website, www.somb.idaho.gov, for more information and continuing updates.

Chairman Lodge asked about the public registration for Level 3 Juveniles and Level 5 adults (see attachment 1), requesting the number of individuals at each of those levels. **Mr. Burnham** replied that at this time they do not have an estimate. He stated that they are in the process of researching to establish an estimate.

ADJOURNMENT There being no further business at this time, **Chairman Lodge** adjourned the meeting at 2:42 p.m..

Chairman Lodge
Chair

Carol Cornwall
Secretary