

MINUTES

## HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

**DATE:** Tuesday, February 23, 2016

**TIME:** 1:30 P.M.

**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:** None

**GUESTS:** Kevin Kempf, IDOC; Josh Tewart, IDOC; Kathy Griesmyer, ACLU Idaho.

**Chairman Wills** called the meeting to order at 1:30 PM.

**H 503:** **Rep. Malek** presented **H 503** which pertains to trust deeds and trustees. This bill repairs the statute pertaining to trustees for the purpose of sale of property. The intent is to create uniformity between trustees and a mechanics lean, and to revise issues raised by the title industry.

**MOTION:** **Rep. Trujillo** made a motion to send **H 503** with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Malek** will sponsor the bill on the floor.

**HCR 39  
HCR 40:** **Rep. Dayley** presented **HCR 39** which is the rejection of the rule change in IDAPA 50.01.01, the Idaho Commission of Pardons and Parole, Rules of the Commission of Pardons and Parole, **Docket No. 50-0101-1501**, Section 250, Subsection 05, and **HCR 40** which is the rejection of the entire rule making docket presented by Idaho State Police, IDAPA 11.05.01, **Docket No. 11-0501-1401**, Rules Governing Alcohol Beverage Control.

**MOTION:** **Rep. Luker** made a motion to send **HCR 39** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Dayley** will sponsor the bill on the floor.

**MOTION:** **Rep. Gannon** made a motion to send **HCR 40** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wintrow** requested to be recorded as voting **NAY. Rep. Dayley** will sponsor the bill on the floor.

**H 494:** **Rep. Luker** presented **H 494** which reclassifies first offenses for under age consumption or possession of alcohol from a low level misdemeanor to an infraction. This concept was recommended by the Criminal Justice Commission to better align punishment with crime and to save public defense costs. Penalties for a violation have been revised due to the new classification. This would be a status offense which means juvenile corrections can have supervision if needed, and an officer may contact a parent to notify them. The fees are being maintained as though they were from a misdemeanor, meaning the juvenile would pay the same amount in fees.

In response to a question from the committee, **Rep. Luker** explained even though a second offense is a first time misdemeanor under this bill, there is no conflict with the language found in **H 495** which allows for a first time misdemeanor to be removed after five years if there are no additional convictions.

**Rep. Gannon** clarified **H 495** does not use the term misdemeanor or infraction. It is based on a finding of guilt in a particular section. If the section is reclassified as an infraction, the infraction is what would be removed under **H 495**.

**Kathy Griesmyer**, Public Policy Strategist, ACLU of Idaho, testified **in support of H 494**. This reclassification is common sense sentencing reform and would strike a balance for how to appropriately deal with offenses not meriting detention of a juvenile and/or minors.

In response to a question from the committee, **Rep. Luker** explained by changing misdemeanor to infraction the offender would retain the right to a trial but not to a jury trial.

**MOTION:** **Rep. Trujillo** made a motion to send **H 494** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Luker** will sponsor the bill on the floor.

**MOTION:** **Rep. Wintrow** made a motion to approve the minutes of the February 17, 2016, meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Wintrow** made a motion to approve the minutes of the February 15, 2016, meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Wintrow** made a motion to approve the minutes of the February 11, 2016, meeting. **Motion carried by voice vote.**

**Director Kevin Kempf** presented an IDOC update. All the requirements listed in **S 1357** (2014), the Justice Reinvestment Initiative, were met by the October 2015 deadline. The Limited Supervision Unit which allows lower risk offenders to be placed on a secure portal and submit their reports, has had significant enhancements. In the last six months the overall population has declined by approximately 400 inmates, the majority of which were property or drug crime offenders. Because of this reduction in population, every inmate currently held in a private prison in Colorado will be returned to Idaho. IDOC will be reverting \$1.8 million to the General Fund. As a result of **S 1357** (2014) over \$100,000 has been returned to the Victim Compensation Fund.

In March 2015, IDOC requested information from the Council of State Government regarding work they had previously conducted in Idaho. The request was to determine whether there was anything in the system the Council had noted as problematic but had not brought to IDOC's attention as of first importance. The Council had noted treatment programs in the prisons did not have reasonable evidence of effectiveness. A Justice Program Assessment was requested by IDOC and provided free of charge due to Idaho being a Justice Reinvestment State. After a complete review it was determined 9 of the 12 programs lacked evidence of effectiveness. It was also determined the Pathways to Parole were complex and confusing for inmates, their families and staff. It was determined the appropriate course of action was to reduce the number of programs from 12 to 5. IDOC will implement the Cincinnati model of Substance Abuse treatment and will enhance their sex offender treatment program, anger replacement training and advance skills practice. Each of these programs are researched based, universal and public domain systems which will result in significant cost savings. Restrictive housing reform is also in progress and two teams are actively working on solutions. Both of the teams include a member of the ACLU and the Federal Defenders of Idaho. All facilities have 24/7 access which has improved IDOC's partnership with Idaho's universities and relationships with Idaho's media and groups which have traditionally stood opposite of IDOC. (See Attachment 1).

In response to questions from the committee, **Mr. Kempf** explained it is important to note the highest recidivists are property and drug crime offenders. Parole officers are working hard to keep up with the decline in the prisons because these inmates who have been transferred out of prison are moving into parole. They are able to utilize e-mail to keep inmates up to date and receive real time information about changes and updates in programs. Removing the requirements for certain unnecessary programs and making the programs universal will remove the bottle neck of inmates waiting to get into the programs, which often was the only thing standing between them and release.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:36 PM.

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Representative Wills  
Chair

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Katie Butcher  
Secretary