

MINUTES
HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

DATE: Tuesday, March 15, 2016

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:** None

GUESTS: Lisa Growette Bostaph, BSU; Laura King, BSU; Pam Panther, Attorney General; Jessica Lorello, Attorney General; Sara Thomas, ICJC; Joyce Broadsword, Department of Health and Welfare; Holly Koole Rebholtz, IPAA.

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

MOTION: **Rep. McMillan** made a motion to approve the minutes of the February 25, 2016 meeting. **Motion carried by voice vote.**

MOTION: **Rep. McMillan** made a motion to approve the minutes of the February 29, 2016 meeting. **Motion carried by voice vote.**

MOTION: **Rep. McMillan** made a motion to approve the minutes of the March 1, 2016 meeting. **Motion carried by voice vote.**

MOTION: **Rep. McMillan** made a motion to approve the minutes of the March 3, 2016 meeting. **Motion carried by voice vote.**

MOTION: **Rep. McMillan** made a motion to approve the minutes of the March 7, 2016 meeting. **Motion carried by voice vote.**

MOTION: **Rep. McMillan** made a motion to approve the minutes of the March 9, 2016 meeting. **Motion carried by voice vote.**

SCR 143: **Sen. Davis** introduced **Beck Roan** who will present **SCR 143**.

Mr. Roan presented **SCR 143**. This legislation amends Joint Rule 20 which pertains to constitutional amendments and when they must be introduced and transmitted. The rule currently requires a constitutional amendment to be transmitted by the 55th legislative day which frequently falls on a weekend. This is intended to change the transmittal deadline to the 57th day.

In response to questions from the committee, **Mr. Roan** explained even though the current language allows for the rule to be waived, the language has not been sufficient to alleviate the issue. The introduction deadline is the 36 legislative day and it does not fall on a weekend, thus it is not being adjusted by this legislation.

MOTION: **Rep. Kerby** made a motion to send **SCR 143** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Moyle** will sponsor the legislation on the floor.

SCR 144: **Beck Roan** presented **SCR 144**. This legislation amends Joint Rule 21 which pertains to recordings of proceedings. Presently the recordings are kept for two years and then transferred to the archives. This legislation clarifies what legislative services is allowed to do with the recordings and allows them to keep the original and send a copy to the archives.

In response to a question from the committee, **Sen. Davis** explained the Idaho Legislature is already maintaining the recordings and so there is no fiscal impact. This legislation is intended to update the statute to conform with current practice.

MOTION: **Rep. Dayley** made a motion to send **SCR 144** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Moyle** will sponsor the legislation on the floor.

S 1351: **Sen. Lodge** presented **S 1351**. This legislation adds community service projects to the list of opportunities for those confined in county jail. Presently, persons confined in county jail are able to take part in projects for the federal and state governments.

In response to a question from the committee, **Sen. Lodge** explained individuals from the county jail may be allowed to join a project hosted by a 501(c)3, a religious organization or other community sponsored projects. Approval of these projects would be conducted by the county coordinators who are already coordinating work and projects for inmates.

Chairman Wills invoked Rule 38 stating a possible conflict of interest but that he would be voting on the legislation.

MOTION: **Rep. McCrostie** made a motion to send **S 1351** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Cheatham** will sponsor the bill on the floor.

HCR 52: **Rep. Perry** presented **HCR 52**. This legislation authorizes the Legislative Council to appoint an interim committee to study issues related to the foster care system in Idaho. The committee will report its findings and make recommendations to the First Regular Session of the 64th Idaho Legislature.

In response to question from the committee, **Rep. Perry** explained members of the committee are appointed by the Joint Legislative Council.

MOTION: **Rep. Trujillo** made a motion to send **HCR 52** to the floor with a **DO PASS** recommendation.

In response to a question from the committee, **Rep. Perry** explained there is a balance in party when the members are assigned.

VOTE ON MOTION: **Motion carried by voice vote.** **Rep. Perry** will sponsor the legislation on the floor.

S 1361: **Sen. Lakey** presented **S 1361**. This legislation clarifies which funds and how much of each fund the counties can use to cover the cost for indigent services. This pertains to the justice fund, the current expense fund or the indigent fund.

MOTION: **Rep. Luker** made a motion to send **S 1361** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Luker** will sponsor the legislation on the floor.

H 580: **Sara Thomas**, Chair, ICJC presented **H 580**. This legislation provides equal protection to both men and women by making the rape statute gender neutral, rape of spouse has been update to exclude certain situations, and it revises the requirement for resistance in certain statutes. When victims resist, their chance of greater injury doubles.

MOTION: **Rep. McDonald** made a motion to send **H 580** to the floor with a **DO PASS** recommendation.

In response to a question from the committee, **Ms. Thomas**, explained this legislation still requires the State to prove lack of consent beyond a reasonable doubt. This legislation removes resistance as the way the State must prove non-consent. The stature of the person would be only one of the factors considered in the totality of the circumstances.

Lisa Growette Bostaph, Professor, Department of Criminal Justice, BSU, testified **in support of H 580**. Fight or flight are mobilizing defenses. However, freezing is a immobilizing defense used when fight or flight are not perceived as a good option. Rape has been identified as a trauma that can result in fight, flight or freeze.

In response to a question from the committee, **Ms. Bostaph** explained all senses become hyper aware when a individual is in an immobilized defense.

In response to a question from the committee, **Ms. Bostaph** explained no other statute includes a requirement of the victim, and instead focuses on the actions of the offender.

**VOTE ON
MOTION:**

Motion carried by voice vote. Reps. Wintrow and Malek will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:37 PM.

Representative Wills
Chair

Katie Butcher
Secretary