

MINUTES  
**HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE**

**DATE:** Thursday, January 19, 2017

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

**PLACE:** Room EW42

**MEMBERS:** Chairman Luker, Vice Chairman Malek, Representatives , Dayley, Trujillo, McDonald, Cheatham, Kerby, Nate, Chaney, Amador, Hanks, Zito, Zollinger, Gannon, McCrostie, Wintrow

**ABSENT/  
EXCUSED:** Representative Perry

**GUESTS:** Jon Burnham, Sex Offender Management Board; Nancy Vella, SOMB; Aileen Lucas, SOMB; Kelly Jennings, Public Defense Commission; Andrea Sprengel, Correctional Industry; Andrea Brown, Correctional Industry; Holly Koole Nebholtz, IPAA; Alan Anders, Correctional Industries; Victor McGraw, Idaho POST; Knute Sandahl; Idaho DOI/SFM; Andrew Masser, Public Defense Commission; Karen Magnelli, OAG-SOMB; Brenda Bauges, OAG-SOMB; Eric Voebrolsen, SADD,

**Chairman Luker** called the meeting to order at 1:32 P.M.

**Chairman Luker** turned the gavel over the **Vice Chairman Malek**.

**DOCKET NO. 06-0102-1601:** **Andrea Sprengel**, Financial Manager for Idaho Correctional Industry, presented **Docket No. 06-0102-1601**. The proposed rule was approved last year by the House and Senate with a request made to modify the language in Section 013. Under Section 013 changed the heading from Inmate Compensation to Distribution of Funds. The new heading describes the content of Section 013 better. Under sub section b also removed the word "may" and replaced it with "must", as suggested by the Senate Judiciary and Rules Committee last year.

In response to questions from the committee, **Ms. Sprengel** explained this change defines the ways IDOC can use funds to compensate inmates for their work.

**MOTION:** **Rep. McCrostie** made a motion to approve **Docket No. 06-0102-1601**. **Motion carried by voice vote.**

**DOCKET NO. 57-0101-1601:** **Jon Burnham**, Chair, Sexual Offender Management Board, presented **Docket No. 57-0101-1601**. The proposed rule will split the current single level of post-conviction sexual offender polygraph examiner certification to be placed at certification levels. Seventy-five dollars for senior/approved level post conviction sexual offender polygraph examiner and fifty dollars for biennial certification renewal applications for both certification levels.

In response to questions from the committee, **Mr. Burnham** explained polygraphs are the best way to provide a sexual history and give the best recommendations on an offender. Senior level will be able to operate with no supervision and associates will work face to face until able to move up to a senior position.

**MOTION:** **Rep. Chaney** made a motion to approve **Docket No. 57-0101-1601**. **Motion carried by voice vote.**

**DOCKET NO. 11-1101-1601:** **Victor McCraw**, Division Administrator, Idaho Peace Office Standards and Training, presented **Docket No. 11-1101-1601**. Mr. McCraw explained the proposed changes in Section 010 will clarify the definition of "Law Enforcement Profession" to establish and administer agreements with POST training programs. The changes in Section 055 will establish the minimum prohibition on marijuana use as one year, and the confirmed use of marijuana as three years, prior to an application for POST training and certification. Mr. McCraw explained the changes to Section 058 simplifying the driver's license requirements for applicants for POST training or certification, with respect to suspensions which concluded within ten years of the application. The final change proposed to Section 081 to clarify and simplify the Agreement to Serve requirements of, exemptions, and proration for reimbursement of training costs to POST for officer who do not remain in the Idaho law enforcement profession of two years.

In response to questions from the committee, **Mr. McCraw** explained none of these changes fall under Rule 80 or 90. Also, explained not all marijuana products are listed, they are following Federal laws of legalization, not the regulations of use in other states prior to moving or employment in Idaho. Mr. McCraw believes this will be a way to bring in more applicants and retain employment in the state of Idaho.

**MOTION:** **Rep. Gannon** made a motion to approve **Docket No. 11-1101-1601**. **Motion carried by voice vote.**

**DOCKET NO. 11-1101-1602:** **Victor McCraw**, Division Administrator, Idaho Peace Office Standards and Training, presented **Docket No. 11-1101-1602**. Mr. McCraw explained the proposed rule each applicant must undergo a comprehensive background investigation. The changes will establish the requirement for the hiring agency to compile and retain a background investigation for each applicant. Changes will also clarify when POST may or must inspect the background investigation file during the compliance review of an applicant.

**MOTION:** **Rep. McDonald** made a motion to approve **Docket No. 11-1101-1602**. **Motion carried by voice vote.**

**DOCKET NO. 11-1102-1601:** **Victor McCraw**, Division Administrator, Idaho Peace Office Standards and Training, presented **Docket No. 11-1102-1601**. Mr. McCraw explained the proposed rule will remove unnecessary language referring to the desire to become certified and references to uncertified instructors and updates specific curriculum content.

**MOTION:** **Rep. Kerby** made a motion to approve **Docket No. 11-1102-1601**. **Motion carried by voice vote.**

**DOCKET NO. 11-1104-1601:** **Victor McCraw**, Division Administrator, Idaho Peace Office Standards and Training, presented **Docket No. 11-1104-1601**. **Mr. McCraw** explained the proposed rule removes multiple sections referencing a set of standards no longer approved by the POST Council for certification.

In response to questions from the committee, **Mr. McCraw** explained all citizenship requirements are covered in one rule and standard by state of Idaho.

**MOTION:**           **Rep. McCrostie** made a motion to approve **Docket No. 11-1104-1601.**  
Committee meeting terminated due to Fire Alarm prior to vote.

**ADJOURN:**       3:42 P.M.

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Representative Luker  
Chair

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Heidi McKay  
Secretary