

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, January 31, 2017

TIME: 1:30 P.M.

PLACE: Room EW42

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

**ABSENT/
EXCUSED:** Representative Cheatham

GUESTS: Anna Eckhart, Courts; Jayme Sullivan, Courts; Michael Oths, Courts; Rick Carnaroli, Courts; Ryan Boyer, Courts; Bryan Murray, Courts; Kent Merica, Courts; Barry Wood, ISC; Rick Bollar, Courts; Sara Thomas, ISC; Miren Unsworth, IPHW; Jesse Taylor, ABC and SunWest Surety.

Chairman Luker called the meeting to order at 1:30 P.M.

Barry Wood, Senior Judge, Administrative Office of the Courts, presented the departments of government and described the three distinct departments; legislative, executive, and judicial. No person or collection of persons charged to exercise powers belonging to one department may exercise any power belonging to another department. The judicial power of the state shall be vested in a court for the trial of impeachments. The courts shall constitute a unified and integrated system for administration and supervision by the Supreme Court. Each inferior court's jurisdiction will be set by legislature, until provided by law, no changes shall be made in the manner of judge selection.

In response to questions, **Mr. Wood** explained currently all 44 Judicial Districts have at least one Magistrate Judge.

Jayme Sullivan, Judge, Third Judicial District, presented a brief overview of what a Magistrate judge of Idaho does. Initially a judge is appointed to a bench through a process governed by statute. To qualify for appointment a person must be 30 years of age, a lawyer for at least 5 years, a citizen of the United States, a resident of Idaho, and in good standing with the bar for at least 2 years. The first 18 months on the bench are served as a probationary period, and following they stand for election every 4 years. Idaho has 91 Magistrates, with at least one in each county. Ada County has the most judges due to population and case loads. Magistrate judges oversee issues such as marriage, divorce, adoptions, and small claims court such as contesting a dog at large or a traffic citation.

Michael Oths, Judge, Forth Judicial District, presented on Pre-Trial release reforms. Judge Oths discussed that this is an area being studied in Ada County. The study started in November and was initiated by the former Sheriff and is being carried on by the new Sheriff. He explained the process of arraignment.

In response to questions, **Judge Oths** explained forcing an offender to pay bond for release instead of using the bond for other resources does not effect whether they attend or fail to attend court.

Rick Carnaroli, Judge, Sixth Judicial District, presented on obtaining warrants in the criminal courts. Magistrate judges are on call 24 hours a day in and on rotation, if more than one judge is in the district. Warrants can be issued for felonies, misdemeanors, infractions and for specialty courts dealing with drug or domestic violence court.

Ryan Boyer, Judge, Seventh Judicial District, presented on problem solving courts. These courts present a different structure than regular courts and are overseen by a magistrate judge. Problem solving courts preside over domestic violence review court, misdemeanor driving under the influence, and juvenile mental health. The defendants in problem solving court are typically 80% under the influence and 80% of them also have a co-occurring disorder of a mental health diagnosis along with an addiction.

In response to questions, **Judge Boyer** explained a magistrate judge does most of their work during day, and additionally puts in very rewarding volunteer hours solving court cases.

Rick Bollar, Judge, Fifth Judicial District, presented on Domestic Violence courts created with the support of the legislature. Domestic Violence courts enhance victim safety and the offender's accountability along with providing effective case management and coordinating information for families with multiple cases. Domestic Violence cases are criminal, the protection order cases are civil. Domestic Violence courts avoid separate judges presiding over them to prevent different rulings, confusion, and any negative effects on the family. There are Domestic Violence courts in 6 of the 7 Judicial Districts which all have fast track dispositions and ongoing judicial rules. Offenders in Domestic Violence courts are held to a higher standard of accountability and the victim is allowed a greater voice. Domestic Violence courts have been able to improve the handling of domestic violence cases and create services and treatment options for victims and offenders.

In response to questions, **Judge Bollar** explained domestic violent offenders probation increased to two years to ensure treatment has been completed by the offender prior to closing the case.

Bryan Murray, Judge, Sixth Judicial District, presented on juvenile justice and the importance of providing kids with a different court system than adults due to developmental needs and providing the same rights as an adult. Juvenile courts focus on restorative justice, early intervention, and swift punishment before the adolescent forgets what they did to get in trouble in the first place. Kids make mistakes, plus it is important to deal with the misdemeanors and provide services to educate them and their family back into the community before their actions become felonies. Many have already had tragic life experiences. When the community helps a child along the way they can help prevent poor outcomes.

In response to questions, **Judge Murray** explained some incidences occur due to substance abuse, some from learning disability or mental health issues and some stem from trauma.

Anna Eckhart, Judge, First Judicial District, presented on child protection in Idaho, which was ranked number 1 in the nation in 2012 by the Foundation for Government Accountability. Child protection cases are started by a law enforcement officer, a judge, a referral to the Department of Health and Welfare, or to law enforcement by someone such as a teacher, nurse, or mental health professional. Once a case is filed a magistrate judge is required to hold a hearing within 48 hours. Next, a hearing or trial is held within 30 days with a review hearing every 6 months. After these hearings the judge determines if placement within or outside the home is necessary. A Guardian ad Litem can be assigned to do what is best for the children.

Kent Merica, Judge, Second Judicial District, presented on Coordinated Family Services which was established to meet the needs of families and children in the courts by fostering family relationships, offering legal assistance, and responding to domestic violence. Coordinated Family Services is made up of Family Court Services (FCS), Court Assistance Offices (CAO), and Domestic Violence Courts (DVC). Coordinated Family Service utilizes Co-Parent Education, Supervised Access which provides an opportunity for children to spend time with their parents under circumstances that would typically make access difficult, and provides mediation over custody disputes.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:00 P.M.

Representative Luker
Chair

Heidi McKay
Secretary