

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Thursday, February 09, 2017

TIME: 1:30 P.M.

PLACE: Room EW42

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

**ABSENT/
EXCUSED:** None

GUESTS: The sign in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign in sheet will be filed with the minutes in the Legislative Library.

Chairman Luker called the meeting to order at 1:31 P.M.

MOTION: **Rep. Kerby** made a motion to approve the minutes of the January 25, 2017 and January 31, 2017 meetings. **Motion carried by voice vote.**

H 21: Continuation of the meeting of February 7, 2017 at 1:30 p.m.

MOTION: **Rep. Malek** made a motion to send **H 21 to the floor with a DO PASS recommendation.**

Rep. Wintrow spoke in support of **H 21.**

SUBSTITUTE MOTION: **Rep. Kerby** made a substitute motion the send **H 21** to General Orders.

ROLL CALL VOTE ON SUBSTITUTE MOTION: **Rep. Perry** requested a roll call vote. **Motion failed by a vote of 1 AYE, 14 NAY and 2 Absent/Excused.** **Voting in favor** of the motion: **Rep. Kerby.** **Voting in opposition** to the motion: **Reps. Luker, Malek, Perry, Trujillo, McDonald, Cheatham, Nate, Amador, Hanks, Zito, Zollinger, Gannon, McCrostie, and Wintrow.** **Absent/Excused Rep. Dayley and Chaney.**

ROLL CALL VOTE ON ORIGINAL MOTION: **Motion failed by a vote of 4 AYE, 12 NAY and 1 Absent/Excused.** **Voting in favor** of the motion: **Reps. Malek, Gannon, McCrostie, and Wintrow.** **Voting in opposition** to the motion: **Reps. Luker, Perry, Trujillo, McDonald, Cheatham, Kerby, Nate, Chaney, Amador, Hanks, Zito, and Zollinger.** **Absent/Excused Rep. Dayley**

RS 25248: **Rep. Wintrow** presented **RS 24248.** The proposed legislation establishes standards for sexual assault victims' access to medical examinations, and standards for sexual assault evidence retention and preservation. The legislation will ensure victims are provided medical examination regardless of ability to pay. The proposed legislation also defines evidence preservation periods based on the classification of the crimes alleged and ensures proper notification to victims upon destruction.

MOTION: **Rep. Cheatham** made a motion to introduce **RS 25248.** **Motion carried by voice vote.**

RS 25176: **Michael Henderson** Supreme Court, presented **RS 25176**. The proposed legislation corrects and clarifies provisions in the statutes regarding name changes. It clarifies who can petition for a name change for a minor. It also provides that an emancipated minor may petition for a name change. Second, it specifies the relatives of the minor who must be listed in the name change petition and who must be given notice of the hearing on the name change. This will provide a clear procedure for changing the name of a minor and will ensure that persons with an interest in such a name change will have the opportunity to bring their concerns to the attention of the court. Finally, it updates the provision for publishing notice of a hearing on a name change petition.

In response to questions, **Mr. Henderson** advised this will not include electronic publishing.

MOTION: **Rep. Malek** made a motion to introduce **RS 25176**. **Motion carried by voice vote.**

RS 25190: **Michael Henderson**, Supreme Court, presented **RS 25190**. The proposed legislation is a recommendation from the Guardianship and Conservatorship Committee who deal with this area of the law. This will amend the guardianship statutes in a few ways. The current statutes permit the appointment of only a single guardian for a minor. This bill would permit the appointment of two co-guardians for minors, incapacitated persons, and persons with developmental disabilities. It sets standards for the appointments of co-guardians, and provides that the court would determine whether the co-guardians could act independently or would be required to act jointly. The legislation would clarify the standards for temporary guardians appointed by a court when a guardian has not yet been appointed but a temporary guardian is needed to protect the individual, or when there is substantial evidence an appointed guardian is not performing the duties of a guardian. The bill also provides the Supreme Court rules establishing the qualifications of court visitors and the standards for visitors' reports to the court. Finally, the bill would require that in cases of persons with developmental disabilities, the reports of evaluation committees would be made in compliance with Supreme Court rules.

MOTION: **Rep. Trujillo** made a motion to introduce **RS 25190**. **Motion carried by voice vote.**

Senior Judge Barry Wood presented an introduction regarding the role of the Administrative District Judge. **Judge Wood** also provided an overview of the Idaho judiciary branch, qualifications to be an Administrative District Judge and the judicial districts in the state of Idaho.

Administrative District Judge Jeff Brudie presented Judicial Excellence and Education Program (JEEP) that the judicial education and improvement programs will enhance judicial excellence, education, and wellness throughout a judge's service. Three judges are randomly selected for a survey of 100 people they have seen in their courtroom, and the results are used as an educational tool. These surveys are mandatory and take place throughout a judge's time on the bench.

In response to questions, **Judge Brudie** said the surveys are done through Human Resources office of the Supreme Court.

Administrative District Judge Darren Simpson presented on the value and use of Senior Judges in Idaho. Senior Judges are judges retired from office and apply to the Supreme Court to be a Senior Judge. They have the same responsibilities as regular judges and are compensated for days served at 90%. Senior Judges provide coverage in cases where the District Judge is disqualified and must excuse himself. Senior Judges cover during long term illnesses, or perform other duties required by the Supreme Court. They also cover meetings with County Commissioners to review budgets.

In response to questions, **Judge Simpson** said the cost of 11 more judges versus the Senior Judge program would be significantly more.

Administrative District Judge Timothy Hansen presented an update on iCourt and Odyssey Implementation which moves from the traditional paper system to an online electronic system. The modern system is necessary to prevent delays in cases. Advances of using the iCourt system are immediate accurate reports as needed, immediate access to documents, court records of other counties, same record different locations same time. Also allows remote work and submission of documents 24 hours a day 7 days a week. Reduces amount of time necessary to research cases. There is a need for more time spent on training staff on the new system. Overall, iCourt saves the taxpayers money.

In response to questions, **Judge Hansen** said Odyssey had a period of 30 days to utilize paper filing as well. Civil filing taking longer are responding to issues quickly being addressed and corrected.

Administrative District Judge Richard Bevan presented on Problem Solving Courts and crisis centers. The crisis center in Twin Falls has been very successful in the year it has been running. An average 1.25 people a day are servicing and meeting the needs of keeping people out of jail when in crisis. Mental Health court is also being supported through their process. Mental Health Court has been able to divert non violent addicts or mentally ill to get them back on the right track treating them with direct supervision and expediting due process to break the cycle of criminal behavior. They are expanding problem solving courts into domestic violence courts, DUI courts and Veterans treatment courts.

In response to questions, **Judge Bevan** said problem solving Administrative Judges and members do many of these hours under volunteer time, and currently do not have the resources to expand at this time.

District Judge Barbara Buchanan presented on the impact of a Capitol case on a Judicial District's resources when a person faces the death penalty. Thirty-two states have the death penalty, Judge Buchanan provided Idaho's history of people executed in Idaho. It is unconstitutional for Judges to make the verdict to place a person on death row according to the supreme court, it must be a trial by jury. It can take decades to complete the court process and cost the state an incredible amount of tax payers money.

In response to questions, **Judge Buchanan** said the total cost to defend a person facing the death penalty is unknown but is definitely less expensive to incarcerate the person indefinitely without the possibility of parole.

Administrative District Judge Mitchell Brown presented on the implementation of the justice reinvestment initiative and the need for additional probation and parole officers. In 2014 the Council for State Government reported since 2008 the Idaho prison population has increased by 8% and is projected by 2019 to increase by another 16%. This will result of a projection costs operating increase of \$288 million.

In response to questions, **Judge Brown** said they are working on preventing an increase in population and are working with the inmates who can work safely on the street to prevent building another prison.

Administrative District Judge Bradley Ford presented on courthouse facilities, security, ADA compliance and language. Following the history of the courthouses, Judge Ford advised the limitations of updating the courthouses and ability to improve handicap limitations, especially for less populated counties.

In response to questions, **Judge Ford** said he does not worry about lack of security in smaller counties, and he would like to address the long term strategies.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:46 P.M.

Representative Luker
Chair

Heidi McKay
Secretary