

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Friday, February 10, 2017
TIME: 1:00 P.M.
PLACE: Room WW54
MEMBERS PRESENT: Chairman Lodge, Senators Agenbroad, Foreman, Burgoyne, and Nye
ABSENT/ EXCUSED: Vice Chairman Lee, Senators Davis, Hagedorn, and Anthon,

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

DOCKET NO. 57-0101-1601 **Rules of the Sexual Offender Management Board (SOMB).** **Jon Burnam**, Chairman, Sexual Offender Management Board, presented this docket noting that it had been presented on February 1, 2017. Feedback was offered concerning portions of the rule changes which was considered in revising these proposals. **Mr. Burnam** explained the current proposed changes include the removal of language needing further revision. He announced that SOMB will review the language in question for clarity and present it next year. He indicated that the revised proposal involves Section 150.02 and 150.04.

MOTION: **Senator Foreman** moved to accept **Docket No. 57-0101-1601** with the changes notes in Section 150, .02 and .04. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

Chairman Lodge announced that **Docket No. 05-0103-1601**, scheduled to be heard at this time, will be heard last.

RS 25059C1 **Regarding certification of emergency communications officers.** Michael Kane, Idaho Sheriffs Association, stated that this legislation is the result of several years of effort by many interested parties. He stated that although the legislation provides certification for emergency communications officers (dispatchers), it's focus is on training. **Mr. Kane** pointed out that currently no training is required for dispatchers. Standardized training for dispatchers is supported by the Chiefs Association, the Sheriffs Association, the Peace Officers Standards and Training Council (POST), and other entities throughout the State. The purpose is to provide standardized training throughout the State for dispatchers. The proposed training can be done online, and applies to those starting after 2012. He informed the Committee that there have been lawsuits against dispatchers and their chiefs or sheriffs. Consequently, the training not only protects the public, it protects the dispatchers.

Senator Burgoyne asked if, in order for people to be a dispatcher, they would also have to meet eligibility requirements of police officers. **Mr. Kane** replied that gate keeping functions are already in place for dispatchers. He reiterated that this legislation deals with training.

Senator Foreman declared this legislation is reasonable. He emphasized that it is essential this legislation is passed. Lives are at stake, and the dispatchers must have training.

MOTION: **Senator Foreman** moved to send **RS 25059C1** to print. **Senator Nye** seconded the motion. The motion carried by **voice vote**.

S 1011 **Relating to Juvenile Corrections.** **Sharon Harrigfeld**, Director, Department of Juvenile Correction, reported that this legislation simply changes the "open meeting law" from singular to plural ensuring that reference to Idaho Code § 20-533A cites the accurate applicable laws.

MOTION: **Senator Nye** moved to send **S 1011** to the floor with a **do pass** recommendation. **Senator Foreman** seconded the motion. The motion carried by **voice vote**.

S 1013 **Relating to minors and controlled substances.** **Sharon Harrigfeld**, Director, Department of Juvenile Correction, disclosed that Idaho Code §§ 20-505 and 18-1502C conflict. **S 1013** will repeal Idaho Code § 18-1502C and is necessary to allow uniformity when charging juveniles for possession of marijuana, and will remove any confusion about what court has jurisdiction over juvenile possessors of marijuana. This legislation eliminates unnecessary court appearances and transfers of cases, and is in keeping with the legislative intent of the Juvenile Corrections Act. **Director Harrigfeld** explained that currently juveniles charged with possession of marijuana must be charged in adult court. Upon the establishment of age, the juvenile is transferred to juvenile court. This legislation will remove the adult court section.

Senator Burgoyne inquired if either statute defined whether the offense is an infraction, a misdemeanor, or a felony. He also asked if the legislation would change the offense. **Director Harrigfeld** referred to Idaho Code and stated that infractions are excluded, and so the offense would be misdemeanors or felonies. **Senator Burgoyne** asked if, by repealing Idaho Code § 18-1502C, the Legislature is not subjecting juveniles to greater legal risk in terms of the charges he/she faces. **Director Harrigfeld** replied that the juveniles would not be subjected to greater risk, but would assign them directly to juvenile court. **Senator Burgoyne** inquired if his understanding is correct, i.e. this repeal in no way affects the nature of the offense, but only affects the court in which the juvenile will be tried. **Director Harrigfeld** reaffirmed that Senator Burgoyne's understanding is correct.

MOTION: **Senator Nye** moved to send **S 1013** to the floor with a **do pass** recommendation. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. **05-0103-1601** **Rules of the Custody Review Board (CRB).** **Sharon Harrigfeld**, Director, Juvenile Correction, indicated that under the juvenile justice system, a juvenile is committed for an indeterminate amount of time. The CRB determines when a juvenile turns 19 whether he/she is retained in custody or released. This rules change is simply to clarify language including code correction, removal of unnecessary examples, adding clarifying veribage, and citation correction. **Director Harrigfeld** detailed these changes.

Senator Burgoyne inquired what the custody situation would be in the case of blended sentences. **Director Harrigfeld** replied that the CRB does not address blended sentences; district judges make that determination.

MOTION: **Senator Foreman** moved to approve **Docket 05-0103-1601**. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Lodge** adjourned the meeting at 1:34.

Chairman Lodge
Chair

Carol Cornwall
Secretary