

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Thursday, March 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: Michael Henderson, Supremem Court; Sharon Harrigfeld, IDJC; Sara Thomas, ISC; Barry Wood, ISC

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

S 1108: **Sara Thomas**, Supreme Court, presented **S 1108**, which is a base increase for all judicial officers of \$3,200, and restores appropriate salary differentials between judges and justices serving at different levels of the judiciary. It sets the annual salaries of justices of the Supreme Court at \$146,700, an increase of \$6,700 over their current salaries. The difference between salaries of Supreme Court justices and judges of the Court of Appeals is decreased from \$10,000 to \$9,000, resulting in a salary increase for Court of Appeals judges from \$130,000 to \$137,700. The difference between salaries of Court of Appeals judges and district judges is increased from \$1,500 to \$6,000, resulting in an increase in the salary of district judges from \$128,500 to \$131,700. The difference between salaries of district judges and magistrate judges remains at \$12,000, resulting in an increase in salaries of magistrate judges from \$116,500 to \$119,700. In addition, the bill increases the additional salary provided to the Chief Justice, the Chief Judge of the Court of Appeals, and Administrative District Judges from \$2,000 to \$3,000.

MOTION: **Rep. McDonald** made a motion to send **S 1108** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Luker** will sponsor the bill on the floor.

S 1013: **Sharon Harrigfeld**, presented **S 1013**, which is necessary to promote uniformity when charging juveniles for possession of marijuana and will help to avoid confusion in the system as a whole. The two statutes, Idaho Code section 20-505 and section 18-1502C, conflict. Repealing Idaho Code section 18-1502C is necessary to promote the intent of the 1999 repeal of the exemption from jurisdiction of possession of marijuana in section 20-505, and to promote consistency within the Juvenile Corrections Act and its other provisions.

MOTION: **Rep. Malek** made a motion to send **S 1013** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McCrostie** will sponsor the bill on the floor.

S 1023: **Michael Henderson**, presented **S 1023**, which is one of the bills that the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the law as required under Article V, Section 25 of the Idaho Constitution. Chapter 27 of Title 49 contains provisions concerning how funeral processions are to be conducted, and also specifies that pedestrians and drivers must yield the right-of-way to funeral processions, and may not interfere with them. I.C. § 49-2706 states that a violation of the provisions of the chapter is a misdemeanor punishable by a fine of up to \$100; there is no jail time for this offense. This bill would make these offenses traffic infractions, unless the interference is knowing and intentional, in which case it would be a misdemeanor punishable by both a fine and a possible jail sentence.

MOTION: **Rep. Gannon** made a motion to send **S 1023** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gannon** will sponsor the bill on the floor.

S 1024: **Michael Henderson**, presented **S 1024**, which is one of the bills that the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the law as required under Article V, section 25 of the Idaho Constitution. At the 2016 Legislative Session the Legislature enacted **1328aa**, which amended several statutes in the Child Protective Act. As a consequence, the definition of protective order in I.C. § 16-1602(34) now contains an outdated statutory reference, and also fails to note all of the circumstances in which a protective order may be issued. This bill would correct those errors.

MOTION: **Rep. Wintrow** made a motion to send **S 1024** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wintrow** will sponsor the bill on the floor.

S 1025: **Michael Henderson**, presented **S 1025**, which is one of the bills that the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the law as required under Article V, Section 25 of the Idaho Constitution. The powers and duties of Administrative District Judges are set out in I.C. § 1-907. Subsection (h) of that statute states that these duties include promulgating a schedule of offenses for which written appearances, waivers of trial, and pleas of guilt may be accepted, and establishing a schedule of fines and bails. These matters have long been addressed in rules adopted by the Supreme Court and made uniform throughout the state; they are no longer addressed by Administrative District Judges. This bill would remove this outdated provision.

MOTION: **Rep. McCrostie** made a motion to send **S 1025** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McCrostie** will sponsor the bill on the floor.

S 1026: **Michael Henderson**, presented **S 1026**, which is one of the bills that the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the law as required under Article V, Section 25 of the Idaho Constitution. I.C. § 19-2604 permits some defendants to have their convictions or pleas or findings of guilt set aside if certain conditions are met. The wording of the statute leaves it somewhat unclear whether a defendant in a misdemeanor case who has been sentenced to a jail term, with a portion of the jail term suspended, would be eligible for this relief. This bill would clarify that when any portion of the sentence of a defendant in a misdemeanor case has been suspended, the defendant could later ask the court for relief if the requisite conditions are met.

MOTION: **Rep. Trujillo** made a motion to send **S 1026** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Trujillo** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 1:59 P.M.

Representative Luker
Chair

Heidi McKay
Secretary