

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

**DATE:** Wednesday, February 07, 2018

**TIME:** 2:45 P.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Luker, Vice Chairman Malek (Patano), Representatives Perry, Dayley, McDonald, Cheatham, Kerby, Nate, Chaney, Amador, Hanks, Zito, Zollinger, Ehardt, Gannon, McCrostie, Wintrow

**ABSENT/  
EXCUSED:** None

**GUESTS:** Brody Aston, Russell Westerberg, Idaho Legal Aid; Jason Spillman, Sara Thomas, ISC; Mike Kane, ISA

**Chairman Luker** called the meeting to order at 3:09 p.m.

**RS 26019:** **Jason Spillman**, Legal Counsel, Administrative Office of the Courts/Idaho Supreme Court introduced **RS 26019**. It seeks policy decisions from the Legislature to establish a disbursement schedule for payments received from defendants in criminal cases. The proposed legislation consolidates the various fee statutes into a single statute and removes the burden on the Courts to establish prioritization of funds distribution. This does not change the amount of the fees assessed. In response to questions from the Committee, Mr. Spillman will explain how and who was involved in developing the recommended order of distribution at the bill hearing.

**MOTION:** **Rep. Perry** made a motion to introduce **RS 26019**. **Motion carried by voice vote.**

**RS 26014:** **Clayton King**, Lobbyist, Associated Students University of Idaho introduced the proposed legislation which will provide for continued limited immunity from misdemeanor charges of Consumption by a Minor, and Possession by a Minor, in cases where emergency medical help is sought. This is frequently referred to as Medical Amnesty. The existing law was enacted in 2016, with a three-year sunset clause. This proposed bill will repeal the sunset clause to make the law permanent.

**MOTION:** **Rep. Chaney** made a motion to introduce **RS 26014**. **Motion carried by voice vote.**

**RS 25969:** **Brody Aston**, representing Idaho Legal Aid Services (ILAS), introduced **RS 25969**, which establishes a Children and Families Legal Services Fund within the Idaho state treasury. The fund will be administered by appropriation to and dispersed by the Idaho Supreme Court. The funds will assist ILAS to continue providing legal representation for indigent citizens in specific civil matters. The bill does not have a fiscal impact because no funds are required. It only creates the fund to hold funds should they be appropriated.

**MOTION:** **Rep. McCrostie** made a motion to introduce **RS 25969**. **Rep. Gannon** invoked **Rule 38**, stating a possible conflict of interest because he had a contract with Idaho Legal Aid Services last year. He will not be voting on this legislation. **Motion carried by voice vote.**

**RS 25962:** **Mike Kane**, representing Idaho Sheriffs' Association and Idaho Association of Counties presented the proposed bill, which will increase the daily rate for state sentenced prisoners housed in county jails from \$45 per day to \$55 per day for the first seven days. After that, the rate will increase to \$75 per day. On average, it costs \$81 per day to house prisoners in county jails. The additional cost is being shouldered by county residents. The fee structure is tiered to give the Department of Correction the mandate-allowed time to make arrangements for the movement and permanent housing of prisoners.

**MOTION:** **Rep. Gannon** made a motion to introduce **RS 25962**.  
Upon further discussion and questions from the Committee, **Mr. Kane** explained the intent is to incentivize the Idaho Department of Correction to move prisoners more quickly. If the practice of moving prisoners from county facility to county facility to avoid the higher fee starts to occur, then further legislation will be needed to address this. He emphasized this is not a money making matter for the Counties, and the figures discussed in the Fiscal Note are realistic.

**VOTE ON MOTION:** **Chairman Luker** called for a vote on the motion to introduce **RS 25962**. **Motion carried by voice vote.**

**RS 25997:** **Mike Kane**, representing Idaho Sheriffs' Association introduced **RS 25997**. This proposed legislation sets guidelines for professional bond enforcement agents. Currently, there are no regulations for this industry and great work has been done since last year to create a compromise that addresses the needs of law enforcement, general public and bail enforcement agents.

**MOTION:** **Rep. McDonald** made a motion to introduce **RS 25997**. **Motion carried by voice vote.**

**RS 25998:** **Mike Kane**, representing Idaho Sheriffs' Association presented this proposed bill to allow law enforcement agencies to conduct on-line auctions for the sale of property under execution.

**MOTION:** **Rep. Kerby** made a motion to introduce **RS 25998**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 3:36 p.m.

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Representative Luker  
Chair

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Wendy Carver-Herbert  
Secretary