

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, February 13, 2018

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Luker, Vice Chairman Malek (Widmyer), Representatives Perry, Dayley, McDonald, Cheatham, Kerby, Nate, Chaney, Amador, Hanks, Zito, Zollinger, Ehardt, Gannon(17), McCrostie, Wintrow

**ABSENT/
EXCUSED:** None

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

Chairman Luker called the meeting to order at 1:31 p.m.

RS 26061: **Rep. Perry** presented **RS 26061**, which allows judges some discretion for mandatory sentencing within the drug trafficking statute, similar to federal law. The minimum imprisonment term may be imposed only if the court finds imposition of sentence would result in manifest injustice and is not necessary for public protection. This helps filter out first-time offenders who are often young adults who made a mistake.

Rep. Rubel responding to a question, advised she attended the only Idaho Criminal Justice Commission subcommittee to address this issue, and they didn't anticipate making any decision in 2018.

MOTION: **Rep. McCrostie** made a motion to introduce **RS 26061**. **Motion carried by voice vote. Rep. Malek** requested to be recorded as voting **NAY**.

RS 26171: **Sara Thomas**, Administrative Director of the Courts, presented **RS 26171** to provide an base salary increase for all judicial officers of \$3,700 and to restore differentials between judiciary levels. The total of all increases represents a less than 3 percent change in overall judicial compensation.

MOTION: **Vice Chairman Malek** made a motion to introduce **RS 26171**. **Motion carried by voice vote.**

RS 26167: **Rep. McDonald** presented **RS 26167** to update the school violence statute to include electronic communication and provide escalating charges for weapon implementation. Reference is made to modification of weapons.

MOTION: **Rep. Amador** made a motion to introduce **RS 26167**. **Motion carried by voice vote.**

Matthew Gamette, Laboratory Assistant Director, Idaho State Police Forensic Services Labs, presented the 2017 report on sexual assault (SA) kits tracking. The legislatively requested 90-day SA kit turn around time continues as a goal, with additional resources requested. More kits are coming into the lab instead of staying on law enforcement shelves. The Idaho State Police (ISP) website now includes SA kit tracking, with confidentiality maintained. The 2017 retention statute has been fully implemented. Kit destruction has stopped. Initial training for the website was provided to 213 people. In 2017, 512 SA kits were purchased, 560 kits distributed, 456 kits were collected, and the average law enforcement transmittal time was 60 days. A request to increase the current statute 30-day timeframe to 60 days is being developed. SA kit validation includes new instrumentation for faster processing. A request has been submitted for a new biology DNA Examiner. In response to committee questions, Mr. Gamette said the additional turn around time for law enforcement is needed for furthering their investigation and giving survivors case resolution.

H 430: **Lisa Mason**, Secretary of State's Office, presented **H 430**. The Address Confidentiality Program, through this legislation, expands the eligibility determining documentation to cover victims who are not able to get protection orders. It also allows the Secretary of State to consider other forms of evidence, including police reports and professional documentations. The \$1,500 anticipated increase in mail costs would be absorbed by the existing budget. Answering committee questions, Ms. Mason said they are currently servicing 43 households, and there are 86 people in the program. Over 30 additional calls were received last year from victims who wanted to be, but didn't qualify to be in the program.

MOTION: **Rep. Cheatham** made a motion to send **H 430** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Cheatham** will sponsor the bill on the floor.

RS 26139: **Paul Smith**, Executive Director, Idaho Apartment Association, presented **RS 26139** to standardize and modernize the eviction act, reduce bottlenecks, increase transparency, clarify the process, and clarify rights of communities by allowing criminal evictions to proceed faster. This provides help for both landlords and tenants. A provision is included to require third-party property managers to hold deposits in specific trust account types and protects tenants with specific penalties for security deposit refund delays.

MOTION: **Vice Chairman Malek** made a motion to introduce **RS 26139**. **Motion carried by voice vote.**

RS 26008: **Vice Chairman Malek** presented **RS 26008**, pertaining to revenge pornography. The original language was determined to be too broadly written for court cases. The changes narrow and tailor the statute to address these constitutional challenges.

MOTION: **Rep. Wintrow** made a motion to introduce **RS 26008**.

Kassandra Slaven, Ada County Prosecutor's Office, was called upon to answer a question from the committee, and she explained the exceptions are defined in the statute and the changes narrow and address the hypothetical problems relating to intent and prosecution under the statute.

VOTE ON MOTION: **Motion carried by voice vote.**

- RS 26012:** **Rep. Chaney** presented **RS 26012** which would reclassify driving without a license from a misdemeanor to a first and second offense infraction with third and subsequent violations remaining a misdemeanor. For certain driver's license suspensions, driving on a suspended license would be reduced to an infraction. For remaining misdemeanor violations for driving on a suspended license, the legislation would eliminate statutory mandatory minimum jail sentences. The legislation also would reinstate driving privileges for certain citizens previously suspended for no other reason than non-payment. This proposed legislation would remove 7,000 cases a year from the court system and save over \$9 million annually in incarceration, prosecution, and public defence costs. The LSO fiscal evaluation has been complete and will be included in the SOP.
- MOTION:** **Rep. Perry** made a motion introduce **RS 26012** with the insertion on page 1, line 38, behind the word "infraction," the words "punishable by a fine of \$150." **Motion carried by voice vote.**
- RS 26151:** **Rep. Wintrow** presented **RS 26151** which prohibits anyone convicted of a domestic violence misdemeanor charge from possessing firearms for two years. Already prohibited by federal law, this helps Idaho law enforcement protect women from violent abusers. The presence of a gun in a domestic violence situation increases injury to a woman and her family by five times.
- MOTION:** **Rep. Perry** made a motion to introduce **RS 26151**. **Motion carried by voice vote.**
- RS 26169:** **Rep. Gannon** presented **RS 26169** regarding juror compensation. This proposed legislation requires jurors be paid \$50 per day plus mileage for lengthy (over five days) trial service, of which \$40 per day shall be reimbursed from the General Fund to be distributed by the court. The fiscal note will be updated to \$75,000.
- MOTION:** **Vice Chairman Malek** made a motion to introduce **RS 26169**. **Motion carried by voice vote.**
- Chairman Luker** turned the gavel over to **Vice Chairman Malek**.
- RS 25961:** **Chairman Luker** presented **RS 25961**, which updates Rule 75 for recording, filming, and transmitting news information. The changes include the gallery in the House Chamber, the accredited media, and non-accredited individuals.
- MOTION:** **Rep. Kerby** made a motion to introduce **RS 25961**. **Motion carried by voice vote.**
- RS 26018:** **Chairman Luker** presented **RS 26018**. The Tort Claims Act sovereign immunity provides some exceptions. The change addresses property damage and injury caused from supervision failure of residents in mental health centers or facilities. The fiscal note is unknown because it is subject to the number and type of claims.
- MOTION:** **Rep. Chaney** made a motion to introduce **RS 26018**. **Motion carried by voice vote.**
- Vice Chairman Malek** turned the gavel over the **Chairman Luker**.
- ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 3:29 p.m.

Representative Luker
Chair

Wendy Carver-Herbert
Secretary