

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Friday, February 16, 2018

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Lee, Senators Hagedorn, Lakey, Foreman, Potts, Burgoyne, and Nye

ABSENT/ EXCUSED: Senator 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.

CONVENED: **Chairman Lodge** called the Judiciary & Rules Committee (Committee) to order at 1:31 P.M.

GUBERNATORIAL APPOINTMENT HEARING: **Committee Consideration for Gubernatorial Appointment of Lisa Bostaph, Ph.D. to the Commission of Pardons and Parole. Lisa Bostaph, Ph.D.**, Associate Professor of Criminal Justice and Graduate Program Coordinator at Boise State University, reviewed her background and spoke to her experience on the Commission. She noted her experience in various areas of public service and her excitement at the opportunity to continue serving.

DISCUSSION: **Senator Burgoyne** commended Ms. Bostaph's superior intelligence, dedication, and love for the work. **Chairman Lodge** asked regarding Ms. Bostaph's publications online. **Ms. Bostaph** noted they are not published online.

Senator Hagedorn questioned what Ms. Bostaph would like changed in the process of parole and pardons. **Ms. Bostaph** replied she would like video hearings at the minimum security prison expanded. She would also like: greater staff availability to work with victims; a technical assistance grant to analyze the decision making surrounding revocations; and the assistance in evaluating their guidelines.

GUBERNATORIAL APPOINTMENT HEARING: **Committee Consideration for Gubernatorial Appointment of Paige Nolta, Esq. to the Public Defense Commission (PDC) (telephonic appearance).** **Ms. Nolta** commented on her experience and her path to becoming an attorney. She noted her externship and career as prosecutor and the work she did while prosecuting. She elaborated on the needs of the PDC.

DISCUSSION: **Senator Burgoyne** asked Ms. Nolta what the PDC needs to accomplish over the course of her term. **Ms. Nolta** responded they have been tasked with trying to set the rules and make suggestions for important legislation. She stated her opinion that the most important aspect lacking in Idaho is training; the PDC needs to work on training public defenders throughout the State. The PDC needs to determine which funding recommendations to make to both the commissioners and the State.

Vice Chairman Lee asked when faced with a scarcity of resources how criminal defendants and public defenders gain access to investigation and forensic work. She then inquired as to the costs associated with PDC's planning. **Ms. Nolta** explained the PDC evaluates county funding and conducts a comprehensive overview of how the funding can be approached. She believes having experts for misdemeanor cases – not just felony cases – can be very beneficial. She

stressed the need to seek ways to ensure resources are adequately and efficiently distributed throughout the State.

Senator Hagedorn questioned whether there is a conflict of interest between her law practice and her work in public defense. **Ms. Nolte** said she recuses herself from a vote when needed and has done so in the past.

GUBERNATORIAL APPOINTMENT VOTE: Committee Vote on the Gubernatorial Appointment of Dr. Karen Neill to the Commission for Pardons and Parole

MOTION: **Senator Nye** moved to send the gubernatorial appointment of Dr. Neil to the Commission for Pardons and Parole to the floor with a recommendation that she be confirmed by the Senate. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**. Senator Nye will be the floor sponsor.

S 1257 Relating to Public Defense to Revise Membership of the Idaho Public Defense Commission (PDC). **Kimberly Simmons**, Executive Director of PDC, spoke of her efforts to add additional representation for the Idaho Association of Counties on the PDC.

DISCUSSION: **Senator Lakey** questioned how representatives are recruited. **Ms. Simmons** explained the recruiting was conducted one time from a roster of public defenders; their names were submitted to the Governor.

Senator Burgoyne questioned how, if at all, Ada County would obtain representation on the PDC given it is not currently a member of the Idaho Association of Counties (IAC).

Seth Grigg, Executive Director, IAC, explained there is nothing that would preclude IAC from appointing someone from Ada County to serve. Mr. Grigg expressed IAC's support for the legislation, as there has been input from county commissioners wanting more representation on the PDC.

MOTION: **Senator Lakey** moved to send **S 1257** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion passed by **voice vote**. Senator Lakey will be the floor sponsor.

S 1258 Relating to Public Defense to Provide for Board of County Commissioners Application for Extraordinary Litigation Costs. **Ms. Simmons** noted the Extraordinary Litigation Fund (ELF). This bill would allow county commissions to apply for funds from ELF.

MOTION: **Senator Lakey** moved to send **S 1258** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion passed by **voice vote**. Senator Lakey will be the floor sponsor.

MINUTES APPROVAL: **Approval of Minutes for January 24, 2018.** **Senator Hagedorn** moved to approve the Minutes from January 24, 2018. **Senator Burgoyne** seconded the motion. The motion passed by **voice vote**.

MINUTES APPROVAL: **Approval of Minutes for January 29, 2018.** **Senator Nye** moved to approve the Minutes from January 29, 2018. **Senator Foreman** seconded the motion. The motion passed by **voice vote**.

PAGE GRADUATION: **Graduation of Page Alexa Larsen.** **Ms. Larsen** spoke to the wonderful time she had as a Senate Page and the skills she improved upon over the course of her time at the Capitol.

ADJOURNED: There being no further business, **Chairman Lodge** adjourned the meeting at 2:20 P.M.

Senator Lodge
Chair

Anna Wroblewski-Jones
Secretary

Samuel Griffin
Assistant Secretary