

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, February 21, 2018

TIME: 1:30 P.M.

PLACE: Room WW54

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

ABSENT/ EXCUSED: None

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.

RS 26212 **Relating to Dentists; to Revise Provisions Regarding Licensure by Credentials.** **Senator Heider** presented **RS 26212**, which pertains to Idaho's dental licensure. **Senator Heider** stated Idaho requires 1,000 hours each year for the last five years to remain an active dentist (5,000 hours total), and proposes that be changed to 3,500 hours, which is the regulation in Oregon.

MOTION: **Senator Hagedorn** moved to send **RS 26212** to print. **Senator Lakey** seconded the motion. The motion passed by **voice vote**.

GUBERNATORIAL APPOINTMENT HEARING: **Committee Consideration of the Gubernatorial Appointment of Rich Wills to the Commission of Pardons and Parole.** **Rich Wills** spoke of his 30 years as a trooper with the Idaho State Police. He also discussed his 14 years in the Legislature, during which time he also served as a Deputy Sheriff in Elmore County.

DISCUSSION: **Chairman Lodge** asked what Mr. Wills expects to encounter on the Commission of Pardons and Parole (Commission). **Mr. Wills** replied he has been on the Commission for several months prior and the workload is intense. He is mindful that the first and highest priority for the Commission is public safety.

Senator Hagedorn questioned whether Mr. Wills receives feedback from parole officers. He also asked if the Commission has implemented any kind of recidivism analysis. **Mr. Wills** responded in the affirmative; though, he noted the feedback is not always immediate. He also noted the director keeps track of the data.

Vice Chairman Lee asked Mr. Wills what he wishes he had known when he was in the Legislature. **Mr. Wills** responded taking the time to absorb everything, embracing consistency, and figuring out how to help each individual. He also stated going before the Commission and hearing a few cases helped change his perspective, attitude, and outlook as to what the Commission does.

GUBERNATORIAL APPOINTMENT HEARING: **Committee Consideration of the Gubernatorial Appointment of Shellee Daniels to the State Public Defense Commission (SPDC).** **Shellee Daniels** explained her experience and professional background. She noted her degree and prior work experience with former Governor Cecil Andrus.

DISCUSSION: **Chairman Lodge** asked why Ms. Daniels wants to serve on the SPDC. **Ms. Daniels** expressed concern about the serious financial challenges for the counties and the burdens, such as travel times, on public defenders.

- RS 25803** **Relating to Jurisdiction in Indian Country; to Provide for Retrocession.** **Senator Guthrie** introduced **RS 25803**, which would establish a process whereby an Indian tribe could apply for retrocession of Public Law 280. Public Law 280 was passed by Congress in 1953 to effectively terminate all tribal criminal jurisdictions in the affected tribal area within certain states. **RS 25803** outlines the process by which a tribe might make application; it would be done on a case-by-case basis, but does not obligate a tribe to participate.
- MOTION:** **Senator Anthon** moved to send **RS 25803** to print. **Senator Burgoyne** seconded the motion. The motion passed by **voice vote**.
- RS 25875** **Concurrent Resolution Rejecting Certain Rule of the Idaho State Police Relating to Peace Officer Standards and Training (P.O.S.T.) Rules.** **Victor McCraw**, Division Administrator for Idaho P.O.S.T., reported the proposed approval of one section of the rules, which pertains to the language "before God." This RS proposes to add alternative language to avoid a First Amendment issue.
- MOTION:** **Vice Chairman Lee** moved to send **RS 25875** to print. **Senator Lakey** seconded the motion. The motion passed by **voice vote**.
- S 1232** **Relating to Transfer of Foreign Offenders.** **Sandy Jones**, Director, Idaho Commission of Pardons and Parole (CPP), explained **S 1232** and the changes regarding transfers of foreign citizens who have been sentenced to prison under the International Prisoner Transfer program. The language in the statute currently requires the Director of the Department of Correction to make decisions with regard to prisoner transfer requests for individuals sentenced to a term of incarceration.
- S 1232** would transfer that responsibility to the Commission of Pardons and Parole. **Ms. Jones** noted CPP has no way of knowing how the sentence will be handled in the country of the offender's origin. **Ms. Jones** explained background on the International Prisoner Transfer program and the six requests the CPP received in the past seven years (two from Canada, two from Mexico, one from Nicaragua, and one from Argentina). She explained there is no additional cost to the State for the prisoner transfer process; as the United States Department of Justice incurs the costs.
- MOTION:** **Vice Chairman Lee** moved to send **S 1232** to the floor with a **do pass** recommendation. **Senator Nye** seconded the motion. The motion passed by **voice vote**.
- S 1247** **Relating to P.O.S.T. to Revise Membership of the Council.** **Victor McCraw** presented **S 1247**. P.O.S.T. is operated in four geographic regions around the State and **S 1247** would ensure one police chief and one sheriff are represented per geographic region.
- MOTION:** **Senator Lakey** moved to send **S 1247** to the floor with a **do pass** recommendation. **Senator Nye** seconded the motion. The motion passed by **voice vote**.
- S 1259** **Relating to P.O.S.T.; that Certain Funds Be Distributed to P.O.S.T. Mr. McCraw** discussed **S 1259** and its proposed changes to two different sections of statute. First, he explained the insurance tax disbursement which requests an additional \$2 million of designated funding for P.O.S.T. activities. Second, **Mr. McCraw** discussed a change raising the P.O.S.T. spending cap from \$1 million to \$3 million, which would allow them to carry over more money into the new fiscal year.

DISCUSSION:

Vice Chairman Lee asked Mr. McCraw if appropriating \$2 million to P.O.S.T. was the most efficient use of funds, whereas if the funds were kept in the General Fund they could be used for other needs such as more probation and parole officers. **Mr. McCraw** answered the fund they are considering typically generates more than \$50 million to the General Fund, with \$73 million in fiscal year (FY) 2016 and over \$76 million in FY 2017. Of this, he is requesting only \$2 million and believes the funds are necessary to train the officers.

Senator Foreman asked if P.O.S.T. was in jeopardy due to a lack of funding; he wondered if this translates to citizens on the streets not being properly protected. **Mr. McCraw** responded in the affirmative.

Senator Hagedorn asked about the lack of funds and why P.O.S.T. has not gone through the Joint Finance-Appropriations Committee (JFAC) or the Governor's Office to get a budget increase. **Mr. McCraw** noted a presentation was given before the JFAC that demonstrated P.O.S.T.'s decline without further funding. The request for funding will allow for recovery, but will not solve the current problem.

Senator Anthon asked if the number of officers coming into the program is trending up or down. **Mr. McCraw** responded trends are currently even, but were down in past years. **Senator Anthon** asked if there was a decline in use of P.O.S.T. training. **Mr. McCraw** replied the Boise Police Department and several other agencies took the burden off of P.O.S.T. to conduct trainings.

Senator Hagedorn asked how \$2 million was selected as the amount to be taken out of the General Fund. **Mr. McCraw** stated they used the State of Kentucky's P.O.S.T. Academy as a model; both are 10-week training programs. Idaho's was seen to be drastically lacking and \$2 million would help alleviate the problem.

Vice Chairman Lee asked where the funding should come from. **Mr. McCraw** replied it should be drawn from a dedicated source. **Adam Jarvis**, Senior Financial Management Analyst, Idaho Division of Financial Management, responded the funds are sent from the State Insurance Fund to the P.O.S.T fund.

Senator Foreman noted nearly \$6 million is needed to enable P.O.S.T. to operate effectively. He stated there may be a need to reevaluate and fix the funding issue through a different process.

ADJOURNED:

As the committee ran out of time, **S 1298** was not discussed at this time and the committee adjourned. **Chairman Lodge** adjourned the meeting at 3:03 p.m.

Senator Lodge
Chair

Anna Wroblewski-Jones
Secretary

Samuel Griffin
Assistant Secretary