

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 28, 2018

TIME: 8:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith

**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 filed with the minutes in the Legislative Services Library.

Chairman Loertscher called the meeting to order at 8:00 a.m.

MOTION: **Rep. Smith** made a motion to approve the minutes of the January 29, 2018, January 31, 2018, February 1, 2018, and February 5, 2018 meetings. **Motion carried by voice vote.**

HJR 8: **Jason Kreizenbeck** introduced **Retired Judge Maria Verdin**, Maricopa County Superior Court in Phoenix, Arizona. Mr. Kreizenbeck presented **HJR 8**. This joint resolution proposes amendments to Section 22, Article I of the Idaho Constitution, relating to the rights of crime victims. It states the question to the electorate, "Shall Section 22, Article I, of the Constitution of the State of Idaho be amended to provide additional rights to crime victims, including the right to reasonable and timely notification of open criminal justice proceedings, reasonable protection from the accused, the right to be heard at certain open criminal justice proceedings, and to provide standing to assert their rights?" It directs Legislative Council to prepare statements required by Section 67-453, Idaho Code, and file the same, and directs the Secretary of State to publish the proposed amendment and arguments as required by law. The fiscal impact to state and local government is difficult to quantify. There could be increased costs associated with providing notice to the victim of the additional covered aspects of the criminal justice proceedings. Prosecutors and courts are familiar with the notice process in the existing system. Most additional notices can be handled by existing Victims Information Notification Everyday program, or VINE Network, and some general fund impact for state agencies to update systems. There may be additional cost associated with time in criminal justice proceedings where the victim elects to provide a statement or information or in continuing the matter if a notice is not provided. The estimate reflects a total for all of Idaho, but researchers determined the actual price tag would be less because counties would find ways to collaborate and share resources to meet victim notification requirements. There is an estimated cost to the General Fund of \$205,000 for the Idaho Secretary of State to publish the proposed amendment and arguments to the electorate as required by law, and there should be no impact to local units of government as they will be holding a regularly scheduled election.

Retired Judge Maria Verdin, represents Marsy's Law. There is more information now than when the Constitution was written, and the addition of this bill would give standing, elevate the definition, and putting it in the constitution enshrines it. This bill allows victims recourse and the right to be heard. The definition of victim was put in to make sure it was valued and protects that particular person. Crime is defined by statute and includes felony and misdemeanor. Victims are sometimes criminals. Victims deserve the opportunity to ask why the case is taking so long, and what it means. The misconception this would slow down and clog the system has not happened. A victim is a victim, even if the accused is acquitted.

Kathy Griesmyer, ACLU, **Annie Pelletier**, Idaho Coalition Against Sexual & Domestic Violence, **Tom Arkoosh**, Arkoosh Law/ IACOL, **Ian Thompson**, IACOL, spoke **in opposition** of **HJR 8**.

Jan Bennetts, Ada County Prosecutor, spoke **in support** of **HJR 8**. Some victims need a different level of service than others. Each shared a traumatic experience they didn't choose to be a part of, and desire to be safe. We ask what will help them feel safe; sometimes it is being in a different room, not making eye contact, knowing if the offender has escaped, absconded, been released on parole, pardoned, and notified of hearings before they happen with enough notice to attend if desired. Victims want to communicate with people who make a decision about their case and ensure their rights are enforced. These rights don't supersede the accused.

Sheriff Kieran Donohue, Canyon County Sheriff; **Blake and Holly Worthington**, victims, **Susan Nalley**, Bingham County, **Jean Busdon**, and **Lauren Busdon**, spoke **in support** of **HJR 8**.

Jean Fisher, Faces of Hope, Ada County Prosecutor, spoke **in support** of **HJR 8**. Victims should be given more support. She said she is asking for improvement. This wouldn't change the Victims Rights Funds already in place.

Mike Kane, Legal Support. VINE is owned by Apress, located in Louisville Kentucky, and is a for profit system to notify victims and gives information regarding particular victims. Anyone who requests information, the victim or interested party, would be notified. There is not a decision point not covered by VINE. VINE is paid for by a mandatory fee of \$15 imposed on convicted defendants.

Rep.(s) Monks, Smith, Armstrong, spoke **in support** of **HJR 8**.

MOTION: **Rep. Crane** made a motion to send **HJR 8** to the floor with a **DO PASS** recommendation.

Rep.(s) Luker, Manwaring, and Zito, spoke **in opposition** to the motion.

ROLL CALL VOTE: Roll call vote was requested. **Motion carried by a vote of 9 AYE, 6 NAY. Voting in favor** of the motion: **Chairman Loertscher, Rep.(s) Monks, Crane, Palmer, Holtzclaw, Harris, Armstrong, Smith, Tway. Voting in opposition** to the motion: **Rep.(s) Luker, Barbieri, Giddings, Manwaring, Zito, Scott. Rep. Crane** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:45 a.m.

Representative Loertscher
Chair

Jayne Feik Spinato
Secretary