

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Friday, March 02, 2018

TIME: 1:30 P.M.

PLACE: Room WW54

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

S 1208AAH **Committee Consideration of House Amendments.** Chairman Lodge explained **S 1208aaH** would allow prisoners to work on private farms. She proposed reevaluating the bill in committee with House amendments.

MOTION: Senator Lakey moved to send **S 1208aaH** back to Committee. Vice Chairman Lee seconded the motion. The motion passed by **voice vote**.

COMMITTEE BUSINESS: **Request to Withdraw Idaho State Bar's Nomination to the Judicial Council by Chairman Lodge**

MOTION: Senator Burgoyne moved that the appointment of the Honorable John Mitchell be deemed withdrawn. The Committee will not take any further action. Senator Lakey seconded the motion. The motion passed by **voice vote**.

RS 26297 **Foster Care Improvement Act.** Vice Chairman Lee discussed **RS 26297**. The RS would transform foster care in the State by accomplishing the following: preserving sibling connections in foster care; strengthening support services for newly unified families; increasing accountability/citizen review panels; and establishing an oversight committee. Vice Chairman Lee extrapolated further on the RS.

MOTION: Senator Potts moved to send **RS 26297** to print. Senator Lakey seconded the motion. The motion passed by **voice vote**.

PRESENTATION: **Department of Correction Overview.** Henry Atencio, Director of the Department of Correction, presented on the Idaho prison population. (Attachment 1.)

DISCUSSION: Senator Hagedorn asked what the parole officer replacement rate is per year and the associated costs. Mr. Atencio replied there are seven vacant parole officer positions and there are currently 25 cadets in training. Senator Hagedorn asked why the turnover rate was so high and what was being done to correct the rate. Mr. Atencio proposed putting more checks and balances in place. He also believed the compensation to be inadequate. Senator Hagedorn questioned the rate of recidivism over the last two or three years. Mr. Atencio responded it is 32 percent on average, which is relatively low compared to some states that reach as high as 50 percent.

Senator Lakey asked how the increased felony filings related to the increased population in the State, with felony filings outpacing population growth. Mr. Atencio responded most of the increases in felony filings are probation and parole cases, though he stated he will ask his research staff to provide a more accurate answer.

Senator Lakey asked if the statistics could be broken down by judicial district or

county. He also inquired about those on parole and probation and what types are more frequent. **Mr. Atencio** responded many parole violators abscond. He estimated 25 percent of parole violators come in for technical violations, such as moving without permission and non-payment of restitution. He further estimated 60-70 percent are individuals who have committed a new felony crime.

Senator Lakey asked where the final numbers stood and if any additional adjustments were needed. **Mr. Atencio** responded going back to 2013, there have been several initiatives passed. The Department of Correction also evaluated other states as models for reform.

Senator Nye questioned whether the rate of incarceration in State of Idaho was the highest in the region of the eight nearby states, such as Washington, Oregon, Montana, Wyoming, Utah, Nevada, Arizona, and New Mexico. **Mr. Atencio** responded in the affirmative.

Senator Burgoyne speculated the State of Idaho could possibly have a lower crime rate because the State has a high incarceration rate. He stated the time was appropriate to examine prison and psychiatric facilities.

S 1316

Relating to Attorney's Fees in Favor of a Prevailing Party in Certain Instances Involving Licensing Authorities. **Senator Den Hartog** explained **S 1316**, which proposes new occupational licensing standards in the State of Idaho and modifies existing occupational licensing fees. This bill would allow the licensee to recover reasonable costs and fees should they prevail in a case brought against them.

DISCUSSION:

Senator Lakey questioned who makes the decision on the case and the attorney's fees. **Senator Burgoyne** responded if someone is dissatisfied with the decision of a case, they would appeal to a district court on the issue of attorney's fees and costs will be determined. **Senator Lakey** questioned whether there was always a hearing examiner before a decision. He also asked if the board makes the decision and determines the amount of reasonable attorney's fees. **Senator Burgoyne** responded if the board does not side with the licensee there can be an assessment fee made against the licensee.

Vice Chairman Lee questioned whether the board would be reticent to investigate legitimate concerns. **Senator Den Hartog** replied that in meeting with representatives from a variety of boards, they did not feel as if a serious complaint would inhibit their desire to do an investigation; rather they understood the fairness of review.

MOTION:

Senator Hagedorn moved to send **S 1316** to the 14th Order for amendment. **Senator Potts** seconded the motion. The motion passed by **voice vote**.

DISCUSSION:

Senator Nye asked if some professions were not on the list. **Senator Den Hartog** responded in the affirmative. **Senator Burgoyne** noted the scope of the bill was not to encompass all 266 regulated occupations the Legislative Services Office (LSO) reported. Many of the occupations are regulated and certified in some fashion in ways unlike boards and some are outside of the Bureau of Occupational Licensing (BOL). The BOL wanted a change in the scope of this bill, which resulted in the need for amendments in the 14th Order of business.

MINUTES APPROVAL: **Senator Hagedorn** moved to approve the Minutes from February 7th, 2018. **Senator Lee** seconded the motion. The motion passed by **voice vote**.

MINUTES APPROVAL: **Senator Potts** moved to approve the Minutes from February 9th, 2018. **Senator Nye** seconded the motion. The motion passed by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Lodge** adjourned the meeting at 2:50 p.m.

Senator Lodge
Chair

Anna Wroblewski-Jones
Secretary

Samuel Griffin
Assistant Secretary