

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Monday, March 05, 2018

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

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

**ABSENT/ EXCUSED:** Vice Chairman Lee, and 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 meeting of the Senate Judiciary and Rules Committee (Committee) to order at 1:33 p.m.

**H 448** **Relating to Breastfeeding; To Provide for an Exemption for the Breastfeeding of a Child.**

**Senator Lori Den Hartog** explained **H 448** proposes to amend Idaho Code § 18-4101 which relates to public indecent exposure and obscenity. The bill proposes to add two sentences to exempt breastfeeding mothers from the application of this law. She noted Idaho is the only state that provides no legal protection for breastfeeding mothers. **Senator Den Hartog** cited American Academy of Pediatrics (AAP) information stating breastfeeding provides nutrition and a healthy start for an infant, and promotes a unique and emotional connection between mother and baby. (see Attachment 1)

**TESTIMONY:** **Representative Paul Amador**, District 4, introduced his six-month-old son, Peter, and testified in support of **H 448**. **Representative Amador** remarked **H 448** makes women and children a priority in Idaho.

**Senator Potts** expressed support for the bill and stated he hopes women will use discretion.

**Adrean Cavener**, lobbyist for Breastfeeding Rights for Idaho, testified in support of **H 448**. She stated she works with mothers on this issue, and acknowledged mothers and children in attendance. **Ms. Cavener** related the difficulties in being a mom, reaffirmed the health benefits of breastfeeding, and pointed out the financial benefits for a family when the babies are breast-fed.

**Kris Ellis**, Idaho Midwifery Council, testified in support of **H 448**. **Ms. Ellis** mentioned time pressures, lack of guidance, lack of space, and lack of support as negative considerations confronting mothers deciding on breastfeeding. She perceived **H 448** as a way to remove the legal issue which may negatively impact a mother in her decision to breast-feed.

**MOTION:** **Senator Potts** moved to send **H 448** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion passed by **voice vote**.

H 447

**Relating to Civil Forfeitures; To Revise Provisions Regarding Certain Property Subject to Forfeitures.**

**Senator Burgoyne** reminded the Committee this bill was seen last year, passed, and was vetoed. He noted changes have been made to address concerns with last year's bill. **Senator Burgoyne** explained H 447 proposes changes to Idaho Code § 37-2744 regarding seizure and forfeiture of property in connection with arrests, convictions, and suspicion of drug activity. He detailed how seized property can be reclaimed by rightful owners and who is responsible for costs involved in seizure of property. **Senator Burgoyne** reported discussion was conducted among interested parties, and language was revised to meet concerns of the various parties. He identified changes made to accommodate those concerns.

**Senator Lakey** expressed appreciation to Senators Burgoyne and Bayer for their significant effort in reaching out to people with concerns, and striking a balance between supporting law enforcement and respecting reasonable property rights of individuals. He commented the bill lays out a good process and supports transparency.

**Senator Hagedorn** expressed concern regarding the Idaho State Police (ISP) having no reporting requirements, although the local law enforcement agencies do. **Senator Burgoyne** replied ISP did not take a position on the bill, but they expressed comfort with the language.

**TESTIMONY:**

**Elisa Massoth**, Immediate Past President, Idaho Association of Criminal Defense Lawyers (IACDL), spoke in support of H 447. **Ms. Massoth** stated IACDL has been part of this process for two years. There were at least 20 people participating in last summer's consortium, and they came to consensus. She indicated one of the benefits of the meeting related to Senator Hagedorn's question. **Ms. Massoth** acknowledged most participants assumed ISP was the master holder of forfeiture information, but they were not. She explained, under H 447, ISP should report to the agency that prosecutes the case in which they are involved. If it is ISP in north Idaho, they would report to Kootenai County who would then have the duty of keeping the information.

**Kathy Griesmyer**, Policy Director, American Civil Liberties Union (ACLU), spoke in support of H 447. **Ms. Griesmyer** expressed appreciation for the bill, specifically for the transparency mechanisms. **Ms. Griesmyer** asserted this bill would make it easier for citizens who want to better understand how their local law enforcement officers process civil asset forfeiture cases to access that information.

**Fred Birnbaum**, Idaho Freedom Foundation (IFF), spoke in support of H 447. **Mr. Birnbaum** appreciated the amount of work over the summer to craft this legislation. He extended credit to this body because people from both sides of the aisle were included, as well as law enforcement, IFF, and ACLU. **Mr. Birnbaum** emphasized this legislation received a wide review, and the quality of the bill reflects that attention.

**Michael Kane**, Idaho Sheriff's Association (ISA), spoke in support of H 447. **Mr. Kane** noted ISA, the Chiefs Association, ISP, and the prosecutors all worked with the Legislature to create this legislation. **Mr. Kane** thanked Senators Burgoyne and Bayer for working with law enforcement on this bill. He commented law enforcement's concerns were addressed, and all of their concerns have been answered.

**MOTION:**

**Senator Lakey** moved to send H 447 to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion.

**SUBSTITUTE MOTION:**

**Senator Hagedorn** moved to send H 447 to the **14th Order** for amendment. **Senator Foreman** seconded the motion.

**DISCUSSION:** **Senator Burgoyne** noted **H 447** is a compromise bill. He requested further clarification of ISP's situation from Michael Kane.

**Michael Kane** explained there is no need to add reporting requirements for ISP because those requirements are already in statute. Silent on this procedure was the responsibility of various local governments, although police chiefs and sheriffs have been dealing with forfeiture without any law. **Mr. Kane** stated the ISP will give the information to the prosecuting attorneys who already have a repository.

**Senator Hagedorn** withdrew his motion. **Senator Foreman** concurred.

**VOTE:** The original motion passed by **voice vote**.

**H 474** **Joint Publishing Committee. Jennifer Novak**, Secretary of the Senate, inquired if the Committee had received copies of the proposed amendments. They had not. **H 474** was moved to the final position on the agenda while copies could be distributed.

**H 531** **Relating to Alcohol; Sunset Clause Repeal.**

**Clayton King**, Director of State Government Relations, Associated Students of the University of Idaho, presented in place of Representative Caroline Nilssen Troy who was on the House floor. **Mr. King** advised **H 531** proposes removal of the sunset clause from Idaho Code § 23-604A (Medical Amnesty) which protects those seeking help during an alcohol-related medical emergency. This law states the person seeking emergency assistance will not be charged with a minor consumption or minor possession violation. (see Attachment 2)

**Mr. King** explained this law, commonly called the Good Samaritan Act, protects both the person receiving medical help and the person who summons emergency services. The bill was enacted in 2016, and since then there has been improvement in people receiving help for alcohol-related medical emergencies in Idaho. National trends reveal positive results in states that have enacted similar legislation.

**Chairman Lodge** observed the medical amnesty law was enacted in 2016 with the sunset clause to provide a trial period. **H 531** removes that clause. She reported she talked to the Chief of Police in Moscow who said this is working very well in Moscow which is home to the University of Idaho.

**MOTION:** **Senator Hagedorn** moved to send **H 531** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion passed by **voice vote**.

**H 474**  
**RESUMED** **Joint Publishing Committee. Jennifer Novak**, Secretary of the Senate, explained **H 474** puts the session laws with the legislative journals. Under the same auspices of the joint publishing committee, the legislative journals and the session laws will follow the same process for publication, printing, and distribution.

**MOTION:** **Senator Nye** moved to send **H 474** to the floor with a **do pass** recommendation. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**Chairman Lodge** welcomed students from a Boise High School government class. Several students commented on what they had learned.

**Senators Potts, Burgoyne, Hagedorn, and Lakey** commented on the facilitation of Committee business and working with other senators.

**ADJOURNED:** There being no further business, **Chairman Lodge** adjourned the meeting at 2:35 p.m.

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Senator Patti Anne Lodge, Chair

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Anna Wroblewski-Jones, Secretary

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Carol Cornwall, Assistant Secretary