

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, March 08, 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, Kloc (Tway)

**ABSENT/** None

**EXCUSED:**

**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 8:04 a.m.

**S 1313:** **Senator Lakey** presented **S 1313**, legislation to include in Code the Castle Doctrine and Stand Your Ground principles recognized in case law and jury instructions. This would provide a law-abiding person has no duty to retreat from an attack if the person is in any place the person has a right to be, and would also codify a legal presumption known as the Castle Doctrine. The Castle Doctrine says if a criminal breaks into your home, occupied vehicle, or place of business, you may presume he is there to do bodily harm and you may use force against him.

**Diana David, Amber Labelle, Elana Story**, Mom's Demand Action (MDA) **Eric Lecht, Jennifer Laforge**, MDA, **Amber Labelle**, Veterinarian, mother, scientist, **Rev. Sara LaWall**, Interfaith Equality Coalition, **Kate Bell Brusse**, MDA, **Kathy Griesmyer**, ACLU, spoke **in opposition**. Stand Your Ground is a permit to commit murder. Citizens decide the law is on their side and shoot. People of color deemed 11 times more likely to be convicted.

**Nicole Brown**, MDA, retired Air Force Intelligence Officer, states that **S 1313** legally authorizes citizens to use deadly force. To become members of the US Air Force, training is required for each troop. Targets are selected prior to combat. This creates a combat among citizens.

**Terri Pickens Manweiler**, Attorney, past public defender, gun owner. This is not a 2nd amendment case. Idaho is already a Stand Your Ground State. There isn't a case in Idaho where someone has been convicted for Stand Your Ground. The jury decides presumptions and intent. This is for self defence only, and ceases to apply when danger ends. Self defense doesn't extend to an aggressive act. She opined it increases danger and is justifiable homicide.

Speaking **in support** of **S 1313**, **Matthew Faulks**, Attorney, Idaho State Rifle & Pistol, **Seth Rosequist**, Idaho Second Amendment, **Mike Kane**, Attorney, **Keely Hopkins**, State Liaison for NRA.

**Grant Loeb**s, Prosecuting Attorney, Twin Falls. **S 1313** would pervade all law. One need not retreat. The burden of proof is clear, is always on the prosecutor, and always beyond a reasonable doubt. Self defense is a legitimate defense. No one wants to prosecute anyone defending themselves or family. There is no duty to retreat from any place you have a right to be. When you retreat you put yourself in greater danger.

**MOTION:** **Rep. Palmer** made a motion to send **S 1313** to the floor with a **DO PASS** recommendation.

**Rep. Tway** states he will vote **in opposition** to **S 1313** as it doesn't solve problems.

**ROLL CALL VOTE:** Chairman Loertscher requested a roll call vote on **S 1313. Motion carried by a vote of 12 AYE and 3 NAY. Voting in favor** of the motion: **Chairman Loertscher, Rep.(s) Monks, Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Manwaring, Zito, and Scott. Voting in opposition** to the motion: **Rep.(s) Giddings, Smith, and Tway. Rep. Boyle** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:05 a.m.

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Representative Loertscher  
Chair

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Jayne Feik Spinato  
Secretary