

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Monday, March 12, 2018

**TIME:** 1:00 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.

**CONVENED:** **Chairman Lodge** convened the Senate Judiciary and Rules Committee (Committee) meeting at 1:05 P.M.

**H 500** **Relating to Public Records; To Provide Exemption from Disclosure of Certain Records.** This bill was presented by **Representative Amador**. He noted the importance of bringing forth this legislation which permits individuals to remain anonymous in reporting certain crimes of child abuse. He explained, that in many cases, family members and/or neighbors fail to report abuse because of a relationship with the abuser or fear of retaliation.

**DISCUSSION:** **Senator Foreman** inquired if there were concerns in increased anonymous reporting. **Representative Amador** responded that it may be feasible for that to occur and added there are protections against false reporting.

**Senator Burgoyne** commented on the issue of anonymity as it pertains to having a fair trial for the defendant, especially if someone is accused of such conduct. He noted the defendant has the right to confront those who accuse, and he expressed misgivings about this bill.

**Vice Chairman Lee** commented that it would be an issue in a criminal case, but the legislation pertains to civil suits. She provided an example of a grandparent who wanted to report abuse by one of the parents, and noted they might refrain for fear of being alienated from their grandchild. She noted the importance of child protection. She perceived the result of this civil matter may rarely result in criminal proceedings as the legislation sets out a reporting protocol only.

**Senator Hagedorn** commented that the legislation may act as a deterrent for those who get away with child abuse. He stated this is a good step forward.

**Senator Souza** expressed support for this bill. She explained her role on the interim committee that dealt with foster children. She briefly commented on a serious case of abuse in Post Falls of a six-year-old child in a close residential situation where neighbors had known or suspected abuse, but never reported the abuse to authorities. She affirmed her support and noted differences between transparency and protection.

**Senator Potts** expressed concern with individuals reporting their neighbors

in incidences where no child abuse may be occurring. Views on proper discipline of children vary.

**MOTION:** **Vice Chairman Lee** moved to send **H 500** to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded. The motion passed by voice vote. **Senators Potts, Foreman and Burgoyne** voted **nay**.

**H 582** **Relating to Judges; To Revise Salaries of Justices and Judges** presented by Sara Thomas, Administrative Director of the Idaho Supreme Court. **Director Thomas** noted the volume of vacancies in judgeships throughout the Idaho counties, as well as the percentage of turnover. She explained the complexity in filling those positions and the process of appointment. She noted the inadequate compensation reduced the applicant/appointment pool.

**DISCUSSION:** **Chairman Lodge, Vice Chairman Lee** and **Senator Nye** disclosed possible conflicts of interest pursuant to Senate Rule 39(H).

**Senator Foreman** inquired as to the cost of living increase. **Director Thomas** responded that judges' decisions affecting Idahoans' comparatively low salaries will diminish the pool of the best and the brightest because they will seek employment elsewhere in the private sector. **Senator Foreman** inquired about salaries in neighboring states. **Director Thomas** agreed to research this issue and provide a response to the senator.

**Senator Nye** commented on the financial salary adversity noting that Idaho ranks 10 percent below national average.

**Senator Burgoyne** asserted a possible conflict of interest pursuant to Senate rule 39(H) and noted the difficult position that the judges find themselves in as such should be compensated accordingly. He noted that to pay them appropriately would equate with bestowing the esteem they are due.

**MOTION:** **Senator Anthon** moved to send **H 582** to the floor with a **do pass** recommendation. **Senator Lakey** seconded. The motion passed with by a **voice vote**.

**H 584** **Relating to Sex Crimes; To Revise Provisions When A Person Is Guilty of Video Voyeurism** presented by Cassandra Slaven, Ada County Prosecutor's Office. She noted this bill proposes to criminalize what is commonly referred to as revenge pornography or non-consensual pornography. She explained the impact of the crime on the victims. She commented on problems with the current statute, specifically its lack of an intent element and the definition of intimate areas.

**Ms. Slaven** elaborated on the requirement that the victim be identifiable in the image, either from the image itself, or circumstances surrounding the image, and that it doesn't contain any exceptions for voluntary exposure of intimate areas in a public setting or any other legitimate public purposes. She explained the present language was identified by some judges as possibly unconstitutional and they have expressed concern and discomfort in prosecuting offenders under that statute. (Attachment 1)

**MOTION:** **Senator Lakey** moved **H 584** to the floor with a **do pass** recommendation. **Vice Chairman Lee** seconded. The motion passed by a **voice vote**.

**H 586**

**Relating to Juror Compensation; To Provide for Increase in Juror Compensation.** This legislation was presented by Representative Gannon and Representative Cheatham. **Representative Gannon** explained the bill proposed to increase the pay of jurors serving on lengthy trials. He noted the jurors' daily compensation rate in the various counties. He also explained that in cases where trials were lengthy, the compensation would offset the cost a juror might otherwise incur.

**DISCUSSION:**

A discussion ensued regarding the following topics:

- when fees would be increased and paid;
- county commissioners' ability to raise jurors;
- statutory restrictions;
- timing of when fees would need to be increased;
- funding provided; and
- fiscal note impact.

**MOTION:**

**Senator Burgoyne** moved to send **H 586** to the floor with a **do pass** recommendation. **Senator Lakey** seconded. The motion passed by a **voice vote**. **Senator Hagedorn** and **Foreman** voted **nay**.

**H 643**

**Relating to Magistrate's Division of the District Court** presented by Seth Grigg, Idaho Association of Counties. **Mr. Grigg** noted the extensive collaboration that occurred to create this legislation from a long-standing dispute with counties and courts as to the funding of magistrate court system. He thanked Sara Thomas for bringing the parties together to work on this important issue.

**MOTION:**

**Senator Potts** moved to send **H 643** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded. The motion passed by a **voice vote**.

**Vice Chairman Lee, Senator Lakey** and **Senator Anthon** disclosed possible conflicts of interest pursuant to Senate Rule 39(H)..

**ADJOURNED:**

There being no other business, **Chairman Lodge** adjourned the meeting at 2:05 P.M.

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Senator Lodge  
Chair

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Anna Wroblewski-Jones  
Secretary