

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

- DATE:** Tuesday, March 13, 2018
- TIME:** 1:30 pm OR Upon Adjournment of the House Floor Session
- PLACE:** Room EW42
- MEMBERS:** Chairman Luker, Vice Chairman Malek, Representatives Perry, Dayley, McDonald, Cheatham, Kerby, Nate, Chaney, Amador, Hanks, Zito, Zollinger, Ehardt, Gannon(17), McCrostie, Wintrow
- ABSENT/
EXCUSED:** Representatives Malek, Nate, Wintrow
- GUESTS:** Victor McCraw, POST; Carlie Foster, Lobby Idaho; Tara Thue, AT&T; Dawn Howell, Gerdent Morgan, Mary Schoeler, Parole Commission; Barbara Jorden, Matt Andrew, ITLA; Kristi Abel, Industrial Commission; Sen. Keough; Dennis Stevenson, Rules Coordinator
- Chairman Luker** called the meeting to order at 1:31 p.m.
- H 429aaS:** **Sen. Keough** presented this amendment which clarifies that the costs of collecting sexual assault forensic evidence will be paid by the Crime Victims Compensation Program (CVCP) after collecting from any federal and federally-financed third-party who has liability. Sponsors are aware of this Senate amendment. The federal government provides some funding for the CVCP, so the Senate consensus was to make this amendment to appease any concerns that may arise.
- MOTION:** **Rep. McCrostie** made a motion to concur with the amendments made in the Senate to **H 429aaS. Motion carried by voice vote. Rep. Wintrow** will sponsor the bill on the floor.
- SCR 137:** **Victor McCraw**, Division Administrator, Idaho Peace Officer Standards and Training Council (POST) presented this Concurrent Resolution which rejects the amended language within Section 201 of the Idaho POST Rules. This was a request made by POST to correct an inadvertent error that occurred when the rule was printed.
- MOTION:** **Rep. Perry** made a motion to send **SCR 137** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Amador** will sponsor the bill on the floor.
- SCR 139:** **Victor McCraw**, Division Administrator, Idaho Peace Officer Standards and Training Council (POST) presented this Concurrent Resolution which rejects the proposed amendment in Section 064. of the Idaho POST Rules due to the Legislature finding that the language is not consistent with legislative intent. This will retain the words, "before God" and alternative language will be added to the code of ethics section of this rule in the future.
- MOTION:** **Rep. Kerby** made a motion to send **SCR 139** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Ehardt** will sponsor the bill on the floor.

S 1277: **Barbara Jorden**, Idaho Trial Lawyers Association presented **S 1277**, which amends Idaho Code by updating the dollar value limits from \$25,000 to \$35,000 for cases that fall under the small lawsuit criteria. These statutes provide fair, efficient and inexpensive systems to settle small dollar amount cases, and reduce the number of civil cases that would end up in court. This changes the dollar amounts for the Small Lawsuit Resolution Act (SLRA) threshold and the fee limit for prevailing party attorneys in civil actions. The dollar amounts for these two statutes have not been increased for many years and the increase took into consideration the Consumer Price Index. The SLRA threshold will be on par with current inflationary measures. However, if the rate for prevailing party attorney's fees were brought to today's inflationary measure it would total \$56,000, so the increase to \$35,000 is considered justified.

MOTION: **Rep. McCrostie** made a motion to send **S 1277** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McCrostie** will sponsor the bill on the floor.

S 1232: **Dawn Howell**, Business Analyst, Idaho Commission of Pardons and Parole presented **S 1232**. Since 2006, the Idaho Department of Correction has delegated to the Commission of Pardon's and Parole the responsibility of making decisions regarding the transfer of foreign citizens or nationals when a treaty is in effect between the United States and a foreign country. This bill amends current language to comport statute with what is already taking place. In answer to questions from the Committee, Ms. Howell explained this is a U.S. Department of Justice (DOJ) program. The DOJ initiates possible transfers, but it allows the State to conduct the initial review and determine if an offender is suitable for transfer. An offender may serve either a Federal or State sentence to be considered.

MOTION: **Rep. Kerby** made a motion to send **S 1232** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kerby** will sponsor the bill on the floor.

S 1254: **Carlie Foster**, Lobby Idaho, LLC, introduced **Tara Thue**, AT&T who presented **S 1254**, which allows domestic abuse victims to obtain a court order to retain their existing wireless telephone number and access to the contacts and other information that may be contained in that wireless phone when the victims are not the account holders. Currently, only an account holder has the authority to release the telephone number and/or information contained in that account. Upon transfer, the requesting party will assume financial responsibility for costs associated with the phone. In cases of domestic abuse, it's common for the abuser to be the account holder. This provides victims a critical lifeline for making appointments, maintaining a support system and communicating with advocates. In answer to questions from the Committee, Ms. Thue confirmed it is the intent for victims to retain their phones even though the bill language only states a victim may transfer their phone numbers and those of minor children. She also explained that most wireless phones are purchased in connection with service plans so the implication is a phone would follow the associated plan if it is transferred into another person's name. She said this legislation is working in other states.

MOTION: **Rep. Cheatham** made a motion to send **S 1254** to the floor with a **DO PASS** recommendation.

Rep. Zollinger debated in favor of leaving the bill as is, as there may be issues of property rights if the language was amended to included references to keeping the phone.

Rep. Perry stated she supports this bill and will not keep it from moving forward, or attempt an amendment, but it may be something to look at in the future to ensure the bill language matches the intent to allow victims to not only keep their phone number and children's numbers, but to keep the phones as well.

Rep. Gannon stated retaining property such as the phone is something a judge would address when issuing a protection order.

**VOTE ON
MOTION:**

Motion carried by voice vote. Rep. McDonald will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 2:18 p.m.

Representative Luker
Chair

Wendy Carver-Herbert
Secretary