

MINUTES  
**HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE**

**DATE:** Wednesday, January 23, 2019

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

**PLACE:** Room EW42

**MEMBERS:** Chairman Dayley, Vice Chairman Chaney, Representatives Kerby, Amador, Zito, Zollinger, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Wintrow, Davis (Thea)

**ABSENT/  
EXCUSED:** Representative Gannon

**GUESTS:** Sara Thomas, Barry Wood, Jason Spillman, Idaho Supreme Court; Blake Brumfield, Miren Unsworth, Cam Gilliland, Department of Health & Welfare; Kathleen Elliott, Nichole Devaney, Public Defense Commission; Tony Geddes, ALPD; Jared Larsen, Governor's Office

**Chairman Dayley** called the meeting to order at 1:31 p.m.

**MOTION:** **Rep. Marshall** made a motion to approve the minutes of the January 17, 2019 meeting. **Motion carried by voice vote.**

**Chairman Dayley** thanked the Committee for their questions and concerns on **HR 1** and he will work informally with members to address changes.

**RS 26453:** **Kathleen Elliott**, Executive Director, Public Defense Commission, presented the RS which changes the terms "grant" to "financial assistance" and "application" to "compliance proposal". It will have no financial impact and will not alter the budget or procedures for distributing funds for indigent defense. It was requested by the counties as a way to assure funding so they can provide constitutionally required indigent defense services.

**MOTION:** **Rep. Chaney** made a motion to introduce **RS 26453**. **Motion carried by voice vote.**

**RS 26490C1:** **Chairman Dayley** said **RS 26490C1** was withdrawn from the Committee by the sponsor.

**Sara Thomas**, Administrative Director of the Courts. Provided an overview of the Idaho Court system by outlining the responsibilities and differences of the various court systems.

**H 30:** **Blake Brumfield**, Program Manager of Developmental Disability Crisis Prevention and Court services, Department of Health and Welfare presented **H 30**. This bill establishes a procedure for evaluating defendants suspected of having developmental disabilities through the appropriate and safe setting needed to determine whether they can stand trial. It requires evaluation by a multi-disciplinary team of experts who are appointed by the Department of Health and Welfare. Mr. Brumfield provided an example of a case where a defendant was not properly evaluated and was placed in a situation where he was a serious risk to others. The bill intends to minimize this type of situation from happening. The bill was reviewed by key stakeholders with no major objections.

In response to a question from the Committee, **Mr. Brumfield** stated the Disability Rights of Idaho Group had some initial concern with the definition of developmental disability in the bill, but once they found out it was already defined in existing law, they withdrew their opposition.

- MOTION:** **Rep. Ricks** made a motion to send **H 30** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Ricks** will sponsor the bill on the floor.
- H 31:** **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, presented **H 31**. This bill, along with the following three bills, are generally defined as defects bills, and they propose to fix those defects in various ways. This bill is the Court's effort to resolve the confusing time periods used throughout the court system by setting time frames in seven (7) day increments. This changes the "cooling off" period prior to final decree in divorce cases from twenty (20) days, to twenty-one (21) days.
- MOTION:** **Rep. McCrostie** made a motion to send **H 31** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McCrostie** will sponsor the bill on the floor.
- H 32:** **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, presented **H 32** which updates terminology used under the DUI statute. This respectively replaces the terms "alcohol evaluation facility" and "substance abuse" with the terms "substance use disorders service provider" and "substance abuse disorder". The terms are no longer used and the revisions conform with language used by the Department of Health and Welfare.
- MOTION:** **Rep. McCrostie** made a motion to send **H 32** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Davis** will sponsor the bill on the floor.
- H 33:** **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, presented **H 33** relating to oral statements for obtainment of search warrants. Producing a written affidavit isn't always practical due to time frames, such as emergencies or late night obtainments. Therefore, oral affidavits are used, but they still require that the oral statement be transcribed. The written statements are seldom used and are costly. This amends the law to provide for transcription, only if requested.
- MOTION:** **Rep. Hartgen** made a motion to send **H 33** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Hartgen** will sponsor the bill on the floor.
- H 34:** **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, presented **H 34**. Last year the statute dealing with forcible penetration by use of a foreign object was changed by removing the word "sexual" from its context. This bill removes references to the term "sexual" from the sex offender registration statutes as they relate to the crime of forcible penetration by use of a foreign object.
- MOTION:** **Rep. Scott** made a motion to send **H 34** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Scott** will sponsor the bill on the floor.
- ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 2:20 p.m.

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Representative Dayley  
Chair

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Wendy Carver-Herbert  
Secretary