

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

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

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

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Lakey, Vice Chairman Lee, Senators Lodge, Anthon, Thayn, Grow, Cheatham, Burgoyne, and 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 Lakey** called the meeting of the Senate Judiciary and Rules Committee (Committee) to order at 1:30 p.m.

**GUBERNATORIAL APPOINTMENT VOTE:** **Senator Grow** moved to send the Gubernatorial appointment of Anna "Janie" Dressen to the Commission on Pardons and Parole to the floor with the recommendation that she be confirmed by the Senate. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**. Senator Cheatham will carry the appointment on the floor.

**GUBERNATORIAL APPOINTMENT VOTE:** **Vice Chairman Lee** moved to send the Gubernatorial appointment of Matthew Allen Thomas to the State Sexual Offender Management Board to the floor with the recommendation that he be confirmed by the Senate. **Senator Thayn** seconded the motion. The motion carried by **voice vote**. Vice Chairman Lee will carry the appointment on the floor.

**GUBERNATORIAL APPOINTMENT HEARING:** **Monty Prow**, Director of the Department of Juvenile Corrections (Department), stated that he had been with the Department for 17 years and 75 percent of its actual existence. He indicated that he had met all 414 members of his department, most of their contract providers, and many of their community partners. He expressed enthusiasm for the opportunity to serve in this capacity and the things that could be improved during his tenure.

**DISCUSSION:** **Vice Chairman Lee** asked if Director Prow could give an update on the tracking of the number of youth who are either on expanded cases or who were former foster children. **Director Prow** stated that those children are called "crossover youth." The Department will be working to reduce the percentage of foster kids in juvenile settings.

**Senator Thayn** questioned the kind of philosophies Director Prow operated under. **Director Prow** responded that research has shown there are four major areas that make a difference in these children's lives. Research indicates that cognitive behavioral therapy and counseling, skill building, education, and family engagement need to be maximized to increase the possibilities of success. They work with the children for 18 months and return them to the community in a far better place than they were prior to that time.

**Senator Lodge** asked Director Prow if he had an estimate of the number of kids that are currently in the three facilities. **Director Prow** stated that there were 262 children currently being cared for. A report in the late 1990s indicated that at this point in time, there should be approximately 800. **Senator Lodge** questioned if there was a tracking ability to reflect how many leave the juvenile justice system and go into the Department. **Director Prow** indicated that those numbers are gathered on a quarterly basis and the last number was about 15 percent. **Senator Lodge** asked what was being done to increase the number of career technical opportunities for kids in the system. **Director Prow** stated those types of opportunities are being expanded all the time. One of the latest has been the addition of a greenhouse in the largest facility where they grow their own food. Students can work with chefs to gain those skills, and more Microsoft certifications are being added all of the time.

**Senator Burgoyne** asked Director Prow to share some of his Army experience. **Director Prow** quickly shared his military background. **Senator Burgoyne** mentioned the allegations of abuse that the Department faced several years ago. He asked Director Prow to give an update on where the Department stands on that issue. **Director Prow** stated that those incidents occurred approximately ten years ago and the people involved are gone. Steps have been taken to ensure that such incidents are not repeated. There are cameras in every corner, there is a culture of reporting, and they have individual quality improvement specialists at all three facilities who report independently to Director Prow. They have open door policies and a semi-annual reporting for the kids. The children also have 24 hour access to a hot line if they feel they are in danger. **Senator Burgoyne** stated it appeared to him that at some levels of management within the organization, there were red flags that got overlooked. **Director Prow** said that a Deputy Director had been added to their organization and his primary job is the day-to-day operations of all facilities. This gives another layer to ensure the safety of the kids.

**Senator Nye** asked what trends were being observed in human trafficking involving juveniles in Idaho. **Director Prow** responded that one of the things they look at is the demographics of the kids. They are always aware of traumatic events in the children's lives. Idaho is four times higher than the national average on the Adverse Childhood Experience Scale.

**Senator Grow** asked Director Prow why he chose to go into the Juvenile Correction world. **Director Prow** stated that it was because one can really make a positive difference in people's lives.

**GUBERNATORIAL  
APPOINTMENT  
HEARING:**

**Melinda Smyser**, Administrator of the Office of Drug Policy (ODP), stated that she would give a brief overview of this position. The ODP is the agency responsible for oversight of abuse prevention in Idaho. It is tasked with consulting decision makers regarding the best policies to reduce substance abuse. **Ms. Smyser** shared some of the responsibilities in regards to Idaho statutes: coordinating substance abuse program across the State of Idaho; cooperating and consulting with counties and law enforcement; serve as a repository of agreements, contracts and plans; facilitating the exchange of this information and data across the State; staying current on what is happening across the nation; and developing, creating and promoting Statewide campaigns to reduce or eliminate substance abuse. **Ms. Smyser** expressed concern that there wasn't an organized prevention program in schools throughout the State. She is anxious to work with the State Department of Education (SDE) and the Governor's Office to encourage all schools in Idaho to participate in prevention educational activities across the board.

**DISCUSSION:** **Senator Lodge** indicated she was concerned that schools are places where kids know who is selling drugs and have access to them. Asked if Ms. Smyser had any plans or suggestions on ways to educate children and their parents about the dangers of vaping. **Ms. Smyser** reiterated that she didn't mean there were no prevention programs in schools, but that there is nothing consistent Statewide. She indicated that there were vaping programs but it was up to the individual school whether they do that through their health programs.

**Senator Burgoyne** asked how Ms. Smyser viewed tobacco in terms of it being a gateway drug and what her role would be in that respect. **Ms. Smyser** indicated she will support anything the ODP can do to help people be free from substances, smoking and chewing included. **Senator Burgoyne** questioned what kinds of changes could be made to improve the current programs. **Ms. Smyser** replied that working with the SDE to get effective programming to help children learn refusal skills, suicide prevention, prevention in regards to bullying, and working with other agencies to get a program presented each year to educate the students.

**Chairman Lakey** asked if fentanyl was on their radar. **Ms. Smyser** responded that it was a concern as was the amount of illegal drugs coming in from other states. Heroin is big and meth is coming back.

**Senator Nye** asked why she wanted to do this job. **Ms. Smyser** stated that it was a very depressing job but she was passionate about it and wanted to help.

**S 1004** **Lieutenant Colonel Sheldon Kelley**, Deputy Director of the Idaho State Police (ISP), stated that the purpose of **S 1004** and the Blue Alert System in general is to decrease the chance of an officer being killed in the line of duty, as well as citizens being harmed or killed, by alerting the public of serious threats to law enforcement and public safety. This system was devised in 2015 and named in honor of the two New York City police officers killed in an ambush attack while sitting in their patrol car. The Blue Alert Network works the same way Amber Alerts work. It will be administered by the ISP. Currently 31 states have enacted the Blue Alert System. With the wide success of the Amber Alert System nationwide and here in Idaho, they believe that this system will work and increase public safety. **Senator Anthon** asked if there was a second message that comes out after the first to cancel the alert. **Lt. Col. Kelley** responded there is a message that cancels the alert.

**DISCUSSION:** Discussion was held among Vice Chairman Lee, Senator Burgoyne, and Lt. Col. Kelley. **Lt. Col. Kelley** stated that to issue the alert there would need to be a missing officer and a suspect for the public to look for. The method used to issue the alert would be identical to the Amber Alerts.

**MOTION:** **Senator Cheatham** moved to send **S 1004** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion passed by **voice vote**.

**S 1005** **Eric Fredericksen**, on behalf of the Criminal Justice Commission, indicated that he had chaired a subcommittee on human trafficking and was given the task of reviewing the current legislation. **S 1005** recognizes the fact that human trafficking is occurring in Idaho and it is appropriate for law enforcement to obtain related training. It also provides a definition for law enforcement to help discern the situations that would arise as to whether they would actually be force, fraud or coercion, and a better articulated definition of sex trafficking as well as other instances that might rise to the level of sex trafficking. The other major change creates an independent offense for human trafficking rather than just an enhancement. There was a portion of the statute that was outdated requiring

a one-time report as to how much human trafficking was occurring in Idaho. They would like said statute removed.

**DISCUSSION:** **Senator Burgoyne** asked whether or not the provisions of destroying, concealing, removing, confiscating, or possessing any passport, immigration document or other governmental issued identification document, or abusing or threatening abuse of the law or legal process is limited by the language relating to force, fraud, and coercion. **Mr. Fredericksen** responded that was his understanding. **Senator Burgoyne** questioned whether all forms of commercial sexual activity would be illegal and constitute sex trafficking even if there was no force, fraud, or coercion involved. **Mr. Fredericksen** indicated sex trafficking is not a separate, independent offense. It is human trafficking which requires force, fraud, or coercion.

**Senator Grow** and **Mr. Fredericksen** discussed the reference to punishment "by imprisonment in the state prison for not more than 25 years." **Senator Grow** questioned why a minimum sentencing rather than a maximum was not considered. **Mr. Fredericksen** stated that mandatory minimums has gone through some legislation in the last few years so they decided to keep the legislation as it was written and make the actual changes with regard to human trafficking.

**MOTION:** **Senator Anthon** moved to send **S 1005** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion.

**DISCUSSION:** **Vice Chairman Lee, Senators Thayn, Burgoyne, Nye, and Anthon** held a discussion regarding the language contained in **S 1005**. They agreed that the language could have been written more clearly but it was a good bill. The consensus was to let the courts determine how to interpret the legislation over time.

**VOICE VOTE:** The motion to send **S 1005** to the floor with a **do pass** recommendation carried by **voice vote**.

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

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Senator Lakey  
Chair

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Sharon Pennington  
Secretary