

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Monday, February 04, 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 Senate Judiciary and Rules Committee (Committee) to order at 1:32 p.m.

GUBERNATORIAL APPOINTMENT HEARING: **Mike H. Matthews**, under consideration for his re-appointment to the Commission on Pardons and Parole (Commission), introduced himself to the Committee. He described his personal, educational, and work background and stood for questions.

DISCUSSION: **Chairman Lakey** asked Mr. Matthews to discuss the issue of recidivism and his thoughts on potential changes that can be made to the process to help with that issue. **Mr. Matthews** replied that individuals often come back with new crimes, and he discussed how the new diversion program has the potential to help. He also emphasized the importance of community service, supervision, and mental health services in successfully re-integrating a parolee.

Vice Chairman Lee asked Mr. Matthews if he had seen an improvement in moving through cases and asked if he would like to express anything in terms of resources, support, or compensation. **Mr. Matthews** discussed the turnaround rate for parole commissioners to read and review cases, and noted that if they are short-staffed, the Commission's work load increases. He expressed the importance of having sufficient time to prepare, especially for hearings.

Senator Thayn inquired about the relationship between successful re-integration and parolees having a well-defined plan to go forward. **Mr. Matthews** described the three-part approach for a successful re-integration plan, which involved 1.) having a place to live; 2.) having a job; and 3.) defining the after care they need. After a question from Senator Grow, **Mr. Matthews** indicated that he tried not to let his work affect him at home. He stressed that the Commission tried to make educated decisions, but sometimes those people go on to commit further crimes.

GUBERNATORIAL APPOINTMENT HEARING: **Colonel Kedrick Wills**, under consideration for his appointment as the Director of the Idaho State Police (ISP), introduced himself to the Committee. He stated that he has been with the ISP for over 23 years and was before the Committee a year ago as well. Following a question from Senator Lee, **Colonel Wills** expressed his admiration for the dedication and intelligence throughout the ISP. He talked about the importance of getting ideas and input from ground-level people, as well as the up hill battle they face with the drug situation.

DISCUSSION: **Senator Burgoyne** wondered what the biggest challenges for ISP were and how the legislature could help. **Colonel Wills** replied that their biggest challenge was maintaining quality customer service with the high level of population growth.

Colonel Wills and **Senator Anthon** discussed the need for more state troopers in rural areas where response times were longer. **Senator Lodge** asked about the progress of Idaho Peace Officer Standards and Training (POST), to which **Colonel Wills** answered that the new administrator was a solid leader and that POST was in a good position. He advised that the Governor's recommendation for funding would help them get where they needed to be.

**GUBERNATORIAL
APPOINTMENT
HEARING:**

Ashley Dowell, under consideration for her appointment as Executive Director to the Commission of Pardons and Parole (Commission), introduced herself to the Committee. She described her background in corrections and mental health and stated she was a Meridian native. **Chairman Lakey** asked for clarification on the parole plan discussed earlier by Mr. Matthews. **Ms. Dowell** indicated that such a plan is reviewed by Probation and Parole as well as by the Commissioners during a parole hearing.

Vice Chairman Lee asked Ms. Dowell to highlight what changes or improvements she would bring to the position. **Ms. Dowell** remarked she would like to maintain strong relationships within the criminal justice community and conduct further education about the function of parole, which she claims needs to be re-branded. She would also like to repair some relationships that may have been strained during justice reinvestment. In response to another question from Senator Lee, **Ms. Dowell** emphasized the importance of a parolee's relationship with their parole officer. If the parole officer has a large caseload, a good relationship may be difficult.

Senator Burgoyne asked Ms. Dowell to discuss parolee supervision, the "revolving door" concept, and civil commitments. **Ms. Dowell** again stressed the importance of good relationships with parole officers. She doesn't believe that recidivism can be completely eradicated; people often fall back into old habits. Some improvements to supervision could include more community resources and recognizing contributing factors earlier, especially for juveniles. **Ms. Dowell** also said that a process for civil commitments already existed.

**GUBERNATORIAL
APPOINTMENT
HEARING:**

Jeffrey A. Betts, under consideration for re-appointment to the Sexual Offender Management Board (Board), introduced himself to the Committee. He discussed working with juvenile sexual offenders and described the differences between working with them and adult offenders. **Mr. Betts** also discussed recidivism rates between adults and juveniles and improvements made to the assessment process.

Senator Lodge asked Mr. Betts to expound on the process of identifying risk levels. **Mr. Betts** claimed this was one of the nine original tasks set to the Board. Redeveloping standards for state providers and having quality evaluations are imperative.

S 1003

Eric D. Frederickson, State Appellate Public Defender, presented this bill: Relating to Human Trafficking—the Addition of a new Section of Idaho Code to provide for Diversion for a Minor Victim of Human Trafficking, to provide certain conditions for Diversion and to provide an Affirmative Defense. **Mr. Frederickson** explained this was the second piece of legislation to come from the Idaho Criminal Justice Commission, which he represented. The intent of the bill concerns safe harbor protection of victims of human trafficking as well as allowing diversion, at the prosecutor's discretion, where the offense is a direct and immediate result of human trafficking. He emphasized the diversion program is a contractual agreement.

Senator Anthon asked for clarification on the list in Idaho Code §18-301(2), which **Mr. Frederickson** answered was intended to identify offenses without a direct victim.

DISCUSSION: A discussion ensued between Mr. Frederickson and Senators Anthon, Burgoyne, Lee, and Thayn about certain language in the bill, particularly relating to minor versus adult victims, mandatory placement in facilities, and prosecutor discretion. **Mr. Frederickson** illustrated that victims can be placed in safe houses but are not required to stay, and that sometimes a prosecutor will decide not to divert or even charge a victim; however, the victim, whether a child or adult, has the right to counsel. There was some concern from Senators Lee and Thayn that language in the bill didn't reflect what Mr. Frederickson was describing. **Senator Burgoyne** suggested adding more flexibility to the language.

Senator Thayn and **Mr. Frederickson** discussed the danger of a victim returning to a handler or human trafficker who may be waiting outside if they were released. **Mr. Frederickson** explained why that may happen and how the diversion program could help avoid it.

TESTIMONY: **Jennifer Zielinski**, Executive Director of the Idaho Anti-Trafficking Coalition, Inc., submitted written testimony in support of **S 1003** (see Attachment 1).

Senator Thayn stated that due to the language of the bill, he could not support it at this time.

MOTION: **Vice Chairman Lee** moved to send **S 1003** to the 14th Order of Business for possible amendment. **Senator Burgoyne** seconded the motion.

DISCUSSION: **Senator Anthon** and **Chairman Lakey** expressed their appreciation of the work that went into the bill and their hope that language issues would be resolved during amendment. **Senator Burgoyne** believed language should give prosecutors more discretion.

VOICE VOTE The motion to send **S 1003** to the 14th Order of Business for possible amendment passed by **voice vote**.

Chairman Lakey stated that the remaining agenda items would be addressed during the meeting on February 6, 2019.

ADJOURNED: Seeing no further business at this time, **Chairman Lakey** adjourned the meeting at 3:03 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary

Jessica Goodwin
Assistant Clerk