

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, February 06, 2019

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lakey, Senators Lodge, Anthon, Thayn, Grow, Cheatham, Burgoyne, and Nye

**ABSENT/
EXCUSED:** Vice Chairman Lee

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 1:33 p.m.

**GUBERNATORIAL
APPOINTMENT VOTE:** **Senator Anthon** moved to send the Gubernatorial appointment of Mike H. Matthews to the Commission of Pardons and Parole to the floor with a recommendation that he be confirmed by the Senate. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL
APPOINTMENT VOTE:** **Senator Lodge** moved to send the Gubernatorial appointment of Colonel Kedrick Wills as Director of the Idaho State Police to the floor with recommendation that he be confirmed by the Senate. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL
APPOINTMENT VOTE:** **Senator Burgoyne** moved to send the Gubernatorial appointment of Ashley Dowell as Executive Director to the Commission of Pardons and Parole to the floor with recommendation that she be confirmed by the Senate. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL
APPOINTMENT VOTE:** **Senator Anthon** moved to send the Gubernatorial appointment of Jeffrey A. Betts to the Sexual Offender Management Board to the floor with recommendation that he be confirmed by the Senate. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

S 1042 **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, presented **S 1042** relating to the addition of one new district judge position with resident chambers in Ada County. **Mr. Spillman** explained this amendment seeks to change the training requirement for new magistrates. The current statute requires magistrates attend the Magistrate Institute (Institute) before taking the bench. Prior to a 2015 amendment to this statute, magistrates only needed a high school diploma or General Education Diploma (GED). This amendment will allow new magistrates to attend the Institute within one year of taking office. **Mr. Spillman** requested the Committee approve **S 1042** with a do pass recommendation.

MOTION: **Senator Grow** moved to send **S 1042** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

Chairman Lakey announced that **S 1043** would be moved to the end of the agenda.

PRESENTATION: **Matthew Gamette**, Idaho State Police Forensic Services Director (ISPFs), reported on the Idaho Sexual Assault Kit Tracking System (IKTS). **Mr. Gamette** provided background on the various Idaho labs and discussed the average turnaround times for processing kits. He explained that Idaho was the first state to implement a full kit tracking program and specified that IKTS was shared freely with public entities. He outlined what the program tracked, including kits received, time to lab, and testing time, and then discussed the challenges ISPFs has faced with the program.

Mr. Gamette also outlined the program's successes since implementation, particularly regarding new testing methods which have expedited the process. In addition, updated management principles have increased efficiency and output. He overviewed the efforts ISPFs has made to provide sexual assault nurse examiners (SANE) and sexual assault response teams (SART) throughout the State, especially in rural areas. The goal is to train 250 nurses for the SANE position and have a SART coordinator in every community. In addition, the Idaho Sexual Assault Kit Initiative (ISAKI) published the first Idaho sexual assault response guide. **Mr. Gamette** ended by describing ISPFs's upcoming goals, including: lowering turnaround time for all kits to 30 days; offering SANE training throughout the state; and continuing working with ISAKI (see Attachment 1).

Senator Burgoyne asked if Mr. Gamette anticipated new legislation coming forward regarding the 30-day turnaround and other challenges. **Mr. Gamette** replied that he did anticipate legislation being introduced this session.

PRESENTATION: **Senior Judge Barry Wood**, Administrative Office of the Courts, described the State's court structure and introduced the remaining presenting judges (see Attachment 2 for all District Judge presentations).

PRESENTATION: **Administrative District Judge Melissa Moody**, Fourth Judicial District, stated her intent to ask the legislature to fund two new magistrate positions and one new district judge position—all for Ada County. **Judge Moody** highlighted the excessive case load for both magistrates and district judges, which is above the state average. The last legislatively funded district judge was in 2012. She emphasized that if these positions are funded, they will still not have what they need.

PRESENTATION: **Administrative District Judge Eric Wildman**, Fifth Judicial District, discussed the importance of court reporters. He explained the record and the vital position a court reporter plays in keeping it. He noted the training requirements for the position and indicated the State has difficulty retaining and recruiting them. The Fifth Judicial District has offset their deficiencies by borrowing reporters from other counties, hiring free-lance reporters, and in some courts, using a remote recording program. **Judge Wildman** explained the disadvantages of these alternatives and emphasized the efficiency of an in-person reporter. He also explained why recording audio and later transcribing is problematic. He ended by outlining the Idaho Supreme Court's plan to address the recruitment problem, which includes increasing compensation and developing a workforce using dual credit and online education opportunities.

PRESENTATION: **District Judge Jeff Brudie**, Second Judicial District, discussed the history and current status of Problem-Solving Courts (PSCs) in Idaho. He described the types of PSCs, their distribution throughout the state, and noted that they are not assigned courts; judges volunteer for them. The success of a PSC is correlated to the court's team members, especially treatment providers and probation officers. **Judge Brudie** explained the problems participants face, participant requirements, and the various lengths of programs. He also discussed the effectiveness of PSCs in terms of recidivism rates and program failure.

PRESENTATION: **Administrative District Judge Mitchell Brown**, Sixth Judicial District, presented on the Wave 3 implementation and buildout of the new Idaho Judiciary iCourt (Odyssey) electronic case management system. He described how the previous system became obsolete and gave an overview of the first two waves of implementation of Odyssey. Twin Falls was the pilot county for Odyssey, and Ada County adopted it in 2016; Odyssey and mandatory e-filing were subsequently rolled out throughout the remainder of Idaho for the third wave. **Judge Brown** noted the immediate successes of the system and the improvement from the previous system. He outlined the next steps for Odyssey, which includes implementing the first update.

Chairman Lakey announced that **S 1043** would be addressed during the next scheduled meeting. He asked the presenting judges to stand for questions.

DISCUSSION: **Senator Burgoyne** asked Judge Moody to reiterate the average case load for judges compared to the state average in her district. **Judge Moody** provided the numbers with a disclaimer that they were a work in progress.

Senator Anthon asked Judge Moody if her district had the necessary facilities to handle the positions for which she was requesting funding. **Judge Moody** replied that, despite the already limited space, they would make room.

Chairman Lakey asked Judge Brudie to clarify the difference between child protection courts and young adult drug courts, which **Judge Brudie** explained. He asked Judge Brudie for clarification on PSCs being volunteer courts and discussed a case study with him. **Senator Burgoyne** asked Judge Brudie if specialty courts being in the community and having greater availability to local social services contributed to their success. **Judge Brudie** confirmed that having a good court team with mental health and vocational rehabilitation resources was helpful.

ADJOURNED: There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:59 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary

Jessica Goodwin
Assistant Secretary