

MINUTES

## HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

**DATE:** Friday, February 15, 2019

**TIME:** Upon Adjournment

**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

**ABSENT/  
EXCUSED:** Representative Troy

**GUESTS:** Jeremy Pisca, Jeff Rosenthal, Idaho Humane Society; Rob Shoplock, PFFI

**Chairman Dayley** called the meeting to order at 12:41 p.m.

**MOTION:** **Rep Marshall** made a motion to approve the minutes of the February 5, 2019 meeting. **Motion carried by voice vote.**

**H 137:** **Jeremy Pisca**, representing the Idaho Humane Society, presented **H 137** by stating the legislation corrects some enforcement errors that were inadvertently left out of the dangerous dog law that was passed in 2016. Mr. Pisca yielded his time to **Dr. Jeff Rosenthal**, Chief Executive Officer of the Idaho Humane Society. The Idaho Humane Society provides animal control services for Ada County and is called out when a dog attacks. Current law allows great discretion on how to deal with an offending dog, but the law ceased to be a criminal offense for owning such a dog, and is not being prosecuted. Dr. Rosenthal stated this bill restores the misdemeanor charge. He outlined the changes in the law, stating the definition for serious injury on page two of the bill was modified. However, he requested the bill be sent to the amending order to correct an error in the new definition because the term "significant injury" should be "serious injury." The definition was modified at the request of prosecutors because it requires a medical professional to testify and often requires access to medical records. He said the section allowing certain persons to file a petition to declare a dog dangerous or at-risk was removed because anyone can sign a misdemeanor complaint.

**MOTION:** **Rep. Wintrow** made a motion to send **H 137** to General Orders.

In answer to questions from the Committee, **Dr. Rosenthal** explained the courts have discretion to practice general reasonableness in judgement if a provoked dog attacks, or is protecting property. This didn't exist in previous law. Some Committee members stated concerns that the language of the bill doesn'tt preclude dog owners or keepers who have no prior knowledge of a dog's propensity to inflict injury from prosecution under a criminal misdemeanor charge.

**VOTE ON MOTION:** **Chairman Dayley** called for vote on the motion to send **H 137** to General Orders. **Motion carried by voice vote.** **Representative Moyle** will sponsor the bill on the floor.

**H 79:** **Rep. Smith** presented **H 79**, which provides immunity to first responders who rescue distressed dogs or cats from vehicles. The definition for a first responder is clearly defined in the bill. She explained how quickly a car can reach dangerous temperatures and stated the number of emergency calls received last year by law enforcement in the cities represented by Committee members. The proposed legislation was taken to the Idaho Sheriff's Association and it was unanimously supported.

**Rob Shoplock**, Executive Vice President of the Professional Fire Fighters of Idaho spoke **in support** of **H 79**. He explained first responders often respond to calls for distressed dogs and use their lock out kit and they do it because it's the humane thing to do.

In answer to questions from the Committee, **Mr. Shoplock** stated using lock out kits typically do not cause damage to cars and only recalled one time where additional steps were needed to restore a vehicle to it's original condition. He explained animals are rescued from locations other than cars, most notably when a owner dies and an animal needs to be secured, but it's usually done at a family's request. He said animal rescue is discussed greatly among his group. Response time can range from two minutes to twenty minutes and after making a determination of the animal's condition they will proceed with rescue. They respond just as they would to rescue a dog caught on the ice.

**MOTION:** **Rep. Wintrow** made a motion to send **H 79** to the floor with a **DO PASS** recommendation.

Speaking **in opposition** to the legislation, **Reps. Marshall, Ricks** and **Ehardt** stated concerns about increased costs to local and county jurisdictions due to increased rescue call outs, liability and expense for damaged vehicles, no recourse for car owners, and the good samaritan law offers some coverage.

**Reps. Amador** and **Wintrow** spoke **in support** of **H 79**. They said they didn't believe the bill would cause a mass uprising in calls to law enforcement, and it would discourage citizens from taking measures into their own hands.

In answer to questions from the Committee, **Rep. Smith** said the bill declared an emergency so it would go into effect immediately upon passage and approval. This would cover the early months of summer, rather than go into effect in July.

**ROLL CALL VOTE:** **Chairman Dayley** requested a roll call vote on **H 79**. **Motion carried by a vote of 9 AYE, 5 NAY, 4 Absent/Excused**. **Voting in favor** of the motion: **Reps. Chaney, Kerby, Amador, Goesling, Hartgen, McCrostie, Wintrow, Davis** and **Chairman Dayley**. **Voting in opposition** to the motion: **Reps. Zito, Ehardt, Scott, Marshall** and **Ricks**. **Reps. Zollinger, Troy, Young** and **Gannon** were **Absent/Excused**. **Rep. Smith** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 1:34 p.m.

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Representative Dayley  
Chair

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Wendy Carver-Herbert  
Secretary