

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, March 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 Senate Judiciary and Rules Committee (Committee) to order at 1:30 p.m.

RS 26992 **Senator Mark Harris**, District 32, presented **RS 26992**, the Senate Joint Memorial dealing with Bear Lake on behalf of Senator Lee Heider. The reason for this Memorial is to encourage the States of Utah and Idaho to work together to continue cooperation to protect and enhance the existing beneficial uses of Bear Lake, including irrigation, power generation, recreation, and fishing. If this Memorial is approved, it will be sent to the Governor of the State of Utah and the Utah Legislature to make them aware of Idaho's desires.

Chairman Lakey indicated that upon sending this RS to print, it would be referred to the Resources and Environment Committee.

MOTION: **Senator Nye** moved to send **RS 26992** to print. **Senator Cheatham** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: **Eric Frederickson**, Director, Idaho Criminal Justice Commission (ICJC), began by introducing those who would be presenting with him. He stated the mission of the ICJC is the collaboration to address important criminal justice issues and challenges by developing and proposing balanced solutions, which are cost effective and are based on best practices to achieve a safer Idaho. **Chairman Frederickson** described how the ICJC was organized. He indicated that the 27 members were chosen from agencies or entities that touch on criminal justice issues. They meet about ten times per year and begin the meetings by repeating their vision, mission and values. Considering the diversity of the membership, it is important to go through this ritual. One of the most important things about the ICJC is that the issues they address be based on evidence. Another important facet is the relationships that are built among the group. **Chairman Frederickson** stated that he had been able to resolve issues with a quick conversation with another member that could have taken a long time otherwise. The ICJC allows input from all entities on every level and in every aspect of the criminal justice system (see Attachment 1).

Sara Thomas, Administrative Director of the Courts, Idaho Supreme Court, indicated that she had been a member of the ICJC and had previously been the chairman. The ICJC has a strategic plan and it is reviewed regularly. The executive order from the Governor is a guide for identifying the targeted areas (see Attachment 1). There are subcommittees who focus on working on specific objectives. That ensures the appropriate focus and helps them to see if progress is being made. An additional goal is to strengthen the knowledge base in Idaho by enhancing data collection abilities and then sharing capabilities. In trying to deliver justice throughout the State of Idaho, the ICJC identifies the things that are effective interventions, and they talk about the implications of what would happen if the State tried to implement one of these solutions. **Ms. Thomas** described an addition to the Criminal Justice Commission's website. This dashboard will contain crime statistics and other information in a central locality where everyone can access what is going on with the criminal justice population in Idaho. The main goal is to promote efficiency and effectiveness of the entire criminal justice system.

Monty Prow, Director of the Idaho Department of Juvenile Corrections and the newest member of the Idaho Criminal Justice Commission (ICJC), pointed out five subcommittees under the ICJC. They include the Mental Health and Substance Abuse Subcommittee, Research Alliance Subcommittee, Human Trafficking Subcommittee, Grant Review Subcommittee, and the Community College Subcommittee. The Mental Health and Substance Abuse Subcommittee has been recently focused on the ongoing opioid epidemic. They have worked with local law enforcement to increase the resources for naloxone to make it more available (see Attachment 1).

Chairman Frederickson, stated that he would discuss Idaho's report card in relation to human trafficking. Shared Hope International is the only organization that does an analysis on how states deal with human trafficking issues. There are some discrepancies in their reporting which caused Idaho to have a lower rating than was actually accurate. The Human Trafficking Subcommittee looked into the other deficiencies and attempted to make some changes in the legislation to address those weaknesses.

Senator Burgoyne commented that the ICJC is one of the most functional organizations he has ever served on. He briefly mentioned one of the mass school shootings and the steps that the ICJC took in conjunction with the State Department of Education to catalogue, survey, and come up with a plan to deal with school safety. One of the really important things about serving on the ICJC is finding things one doesn't normally think about that are tucked away but still need attention. This is a large organization that manages to focus on important issues and be very effective.

H 116

Representative Melissa Wintrow, District 19, introduced the Sexual Assault Kit Working Group. She indicated that she had been a part of this group since 2016 when it was created in legislation. Their task has been to figure out how to create minimum standards for processing sexual assault evidence kits in the State of Idaho. The group meets each year and determines what can be done to improve the legislation. This year they are asking for two changes. The original language said kits would be processed with two exceptions. One exception was if the victim requested not to test it. Information showed that the number of kits not being tested was relatively high. Discussion led to the thought that victims might be confused that not testing their evidence kits also meant not going forward on the case. Many times victims will come back after the trauma has subsided and want to move forward with the prosecution. The result of not processing the kit is that the serial offender may not be captured. If the kits are processed and DNA is put into the database, then the evidence could be used if the victim chooses. The second exception relates to law enforcement. The current language says that

evidence will not be tested if a crime hasn't been committed. This was forcing law enforcement to make judgments about evidence before they investigated. There was a question regarding what was "unfounded." In the new legislation "unfounded" means evidence exists that proves no crime has been committed. If the kit gets processed and it is determined that it was "unfounded," law enforcement calls the State Police Forensics Lab and the kit is removed from the database.

TESTIMONY: **Annie Hightower**, Director of Law and Policy, Idaho Coalition Against Sexual and Domestic Violence, stated that her organization supports **H 116** and believes that the needs of victims were considered in the language of the bill. There are three ways the language can benefit both victims of sexual violence and the community as a whole: 1.) it will build confidence and trust in the criminal justice system; 2.) it will help support victim closure and the healing process; and 3.) it will enhance community safety because kits will link within jurisdictions, giving more chances to stop serial perpetrators from continuing to commit crimes.

DISCUSSION: **Senator Thayne** asked Ms. Hightower to explain what an anonymous kit was and how it works. **Ms. Hightower** indicated that if someone is unsure about reporting an assault, there is a very limited time period to collect forensic evidence and have it be viable. This provides a chance to collect the evidence, not report to law enforcement, but have the kit available in case a victim decides to report to law enforcement later. **Senator Thayne** inquired about the protocol for tracking and matching kits with their owners. **Ms. Hightower** stated that the kit is assigned a number, and that number will then be assigned so someone can connect the number to the victim.

TESTIMONY: **Bea Black**, Director, Women's and Children's Alliance, testified that her organization is supportive of passing this legislation. She gave a client's perspective stating that if one was going to go through a very invasive procedure such as this, one would have to assume that something was going to happen with it. After a trauma has occurred, the victim needs to have power over what happens with the information collected.

TESTIMONY: **Chief Craig Kingsbury**, Twin Falls Police Chief and President of the Idaho Chiefs of Police Association (ICOPA), stated that ICOPA supports the changes in **H 116**. In 2015 there were some unflattering new reports about Idaho law enforcement and the way they treated victims and the evidence that went along with these cases. The treatment wasn't malicious but law enforcement did not have the needed knowledge or tools. The Idaho Legislature has made laws making it easier for law enforcement to do their jobs and for victims to receive the help they need.

TESTIMONY: **Jean Fisher**, Ada County Prosecutor's Office, stated that the Prosecutor's Office is in full support of this legislation. Ultimately, knowledge is power and having all the kits tested is very important. It allows law enforcement to find out later if there is a serial offender. **Ms. Fisher** commented that this legislation does not change anything for the victims, and it is a great public safety tool.

TESTIMONY: **Tad Roper**, father of a rape victim, gave testimony describing the rape of his daughter at Barber Park in Boise, Idaho. He told about their experience with the police officers and their insistence that there was no attack. At St. Luke's Hospital they were supported by a nurse who insisted they should do a rape kit on both of the girls who were attacked. A few days later a composite sketch was broadcast on local news. Shortly after, another young woman was kidnapped and killed. A man was arrested for her kidnapping and both girls picked him out of the lineup. He was sentenced to three life sentences for the assaults and one death sentence for the murder. **Mr. Roper** stated that anything that can be done to make the process easier on victims should be done. He supported the passage of this bill.

MOTION: **Senator Burgoyne** moved to send **H 116** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion.

DISCUSSION: Senators **Anthon, Grow, Cheatham,** and **Burgoyne** were very supportive of this legislation and were appreciative of the work, time, and testimonies given in Committee.

VOICE VOTE: The motion to send **H 116** to the floor passed by **voice vote**.

ADJOURNED: There being no further business, **Chairman Lakey** adjourned the meeting at 2:29 P.M.

Senator Lakey
Chair

Sharon Pennington
Secretary