

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Monday, March 11, 2019

TIME: 1:30 P.M.

PLACE: Room WW54

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

ABSENT/ EXCUSED: Senator Burgoyne

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.

H 118 **Relating to Criminal Procedure to Provide Certain Requirements for Pretrial Risk Assessment Tools. Representative Greg Chaney**, District 10, stated that this legislation prohibits the use of biased pretrial risk assessment algorithms for the purpose of determining bail or conditions of release from jail pending trial. **Representative Chaney** also explained that this legislation has no fiscal impact to the General Fund, other state funds, or to any local government budgets because the cost of validating these tools will be born by the vendor of that specific tool.

MOTION: **Senator Lodged** moved to send **H 118** to the 14th Order of Business for possible amendment. **Senator Cheatham** seconded the motion. The motion carried by **voice vote**.

H 137 **Relating to Dangerous and At-Risk Dogs. Dr. Jeff Rosenthal**, Chief Executive Officer, Idaho Humane Society, stated that Idaho's dangerous dog law was completely revised in 2016. The original law contained a misdemeanor penalty in addition to restrictions imposed on the further keeping or destruction of the dog. **Dr. Rosenthal** explained that the 2016 rewrite inadvertently removed any criminal penalty for harboring a dangerous or at-risk dog. Officers in the field lost the ability to write citations under this section of Idaho Code and this has prevented cases being pursued and prosecuted to protect public safety. This legislation restores the misdemeanor penalty under prior Idaho law. **Dr. Rosenthal** also stated that it revises the definition of injury and restores enforcement of the act to those with vested authority. It will have no impact on the General Fund or to local government.

MOTION: **Vice Chairman Lee** moved to send **H 137** to the floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

H 181 **Relating to Children to Revise Definitions of "Abuse." Mike McGrane**, Idaho Nurses Association, explained that the Idaho Nurses Association is proposing legislation to clarify the definition of "abused" under Idaho Code §16-1602, to remove the term "subdural hematoma" and to replace it with the term "head injury." **Mr. McGrane** stated that this change broadens the definition to include head and brain injuries other than the limited diagnosis of subdural hematoma and is consistent with the other more broad descriptions of injuries in the definition. This bill would have no fiscal impact on state or local government related to this change.

MOTION: **Senator Nye** moved to send **H 181** to the floor with a **do pass** recommendation. **Vice Chairman Lee** seconded the motion. The motion carried by **voice vote**.

H 117 **Relating to Crime Victims to Provide that a Fine may be Imposed for Certain Felonies and for the Attempt of Certain Felonies. Representative Caroline Nilsson Troy**, District 5, explained that in 1992, Idaho Code § 19-5307 was enacted and it created a special fine up to \$5,000 for certain enumerated crimes of violence. This fine is separate from criminal penalties or restitution and is paid to the victim or the victim's family. **Representative Troy** stated that if recovered from the defendant, often this fine is used to help pay for counseling, therapy, or other treatments for the lingering emotional and psychological effects of being a victim of a violent crime. The fine works as a civil judgment against the defendant, however it does not substitute for any civil action or remedy that may be available to the victim or the victim's family. **Representative Troy** further explained that Idaho Code § 18-206 limits fines for attempts of crimes to one-half the maximum fine that can be imposed for the attempted crime. This bill adds two violent felonies to the list subject to the fine of up to \$5,000: Attempted Strangulation and Domestic Violence. **Representative Troy** explained that this bill also allows for fines of up to \$5,000 for the attempts of two felonies: Murder and Rape. This legislation has no fiscal impact to the General Fund, other state funds, or to any local government budgets.

MOTION: **Senator Cheatham** moved to send **H 117** to the floor with a **do pass** recommendation. **Senator Grow** seconded the motion. The motion carried by **voice vote**.

H 114 **Relating to Children to Provide that Female Genital Mutilation of a Child shall be a Felony. Representative Troy** stated that this legislation changes the statute of limitations of this crime. Female genital mutilation has been recognized internationally as a violation of human rights of girls and women. **Representative Troy** concluded, saying that this legislation has no fiscal impact to the General Fund, or other state funds, or to any local government budgets.

TESTIMONY: **Bruce Wingate**, Protect the Idaho Kids Foundation, testified in favor of this bill saying that this legislation would greatly help children be better protected from abuse and help prevent religiously motivated harm to children.

MOTION: **Senator Thayn** moved to send **H 114** to the floor with a **do pass** recommendation. **Vice Chairman Lee** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business, **Chairman Lakey** adjourned the meeting at 1:43 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary

Jacob Garner
Asst. Secretary