

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, March 19, 2019

TIME: 1:30 pm or 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 Kerby

GUESTS: Eric Fredericksen, SAPD; Sara Thomas, Barry Wood, Andrea Patterson, ISC; Mike Kane, ISA; Jesse Taylor, ABC; Nicole Fitzgerald, Council on DV; Sheriff Kieran Donahue, CCSO/ISA; Melinda Merrill, Idaho Bail Coalition; Dan Kittle, Safe Harbor

Chairman Dayley called the meeting to order at 1:33p.m.

MOTION: **Rep. Marshall** made a motion to approve the minutes of March 7, 2019. **Motion carried by voice vote.**

H 118aa,aaS: **Rep. Chaney** brought **H 118aa,aaS** before the Committee again for consideration of the Senate amendments. This clarifies grammar as brought to him by the Idaho Supreme Court so the bill clearly states what is intended. Rep. Chaney stated he requested the Senate amend the language and those changes are reflected in the amendment.

MOTION: **Rep. Ehardt** made a motion to concur with the amendments made in the Senate to **H 118aa,aaS**. **Motion carried by voice vote.** **Rep. Chaney** will sponsor the bill on the floor.

The Committee discussed protocol as it relates to Committee members voting to support a bill in Committee and then changing their votes on the floor. **Chairman Dayley** stated it is a member's prerogative to change their minds about a bill at any time in the process. It is recommended that members let bill sponsors and the Committee Chairman know prior to the floor vote out of courtesy and respect.

The Committee also discussed the practice of allowing non-House/Senate members, including the public, to present bills in Committee. **Chairman Dayley** explained it is preferred to have House and Senate sponsors present bills in Committee because it helps sponsors become more comfortable with the details to present bills on the floor. However, it is the Chairman's prerogative to allow non-legislators to present in Committee. He stated he is allowing the Senate bills to be presented by the experts because the Committee hasn't had the opportunity to hear the bills previously.

Rep. Chaney clarified the process for approving bill amendments.

S 1146: **Chairman Dayley** introduced **S 1146** and the presenter by stating the Committee has the unique role of reviewing and recommending judges salaries to the Legislature because the courts are an independent branch of government.

Sara Thomas, Administrative Director of the Courts presented **S 1146**. This bill addresses Idaho's judicial salaries. Ms. Thomas explained how the salaries are structured for the four types of judgeships. Unlike other state employees, salaries are not set through the budget process. Judge salaries are set by statute as required by the Idaho Constitution under article 5 section 17. She explained they are seeking an increase in CEC because judges make critical life affecting decisions as they relate to life, liberty, property, and Idaho's children, to name a few. She stated the judiciary wants to attract the best and brightest, but they are having difficulty filling these positions. Instead, experienced and talented attorney's choose to continue practicing law as an attorney because the opportunities for financial compensation, life balance and freedom to express opinions are greater. Compensation is one of the top reasons for discouraging candidates from applying. The judiciary worked with the chairmen of the Senate and House Judiciary committees to establish the proposed 2.95% increase.

MOTION: **Rep. Zollinger** made a motion to send **S 1146** to the floor with a **DO PASS** recommendation.

Speaking to the motion, **Rep. Zollinger** stated it's important to keep qualified judges and the best way to recruit and retain judges is through competitive salaries. **Rep. Hartgen** concurred.

In answer to questions from the Committee, **Ms. Thomas** explained the judiciary did ask for salary increases last year and will continue to do so as long as recruitment continues to be an issue. She stated, Idaho ranks 11 out of 13 when comparing compensation to judges salaries in 13 western states and is ranked 41st nationally. She also said judges are leaving early and later in their careers to go to other opportunities.

Chairman Dayley, stated it is the Committee's obligation to review the entire compensation package for judges and make recommendations to the Legislature for approval. Chairman Dayley, the Chairman of the Senate Judiciary Rules Committee and the courts are going to meet over the interim to look at all aspects of judges compensation to sort out some issues. He stated a letter formalizing this has been signed. (Attachment) The goal is to create a more orderly process for determining the judges compensation in the future.

VOTE ON MOTION: **Chairman Dayley** called for a vote on the motion to send **S 1146** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Hartgen** will sponsor the bill on the floor.

S 1003aa: **Eric Fredericksen**, Chairman of Human Trafficking Subcommittee, Idaho Criminal Justice Commission, presented **S 1003aa**. Mr. Fredericksen explained the subcommittee has evaluated statutes as they relate to human trafficking. This legislation creates "Safe Harbor Provisions" for minor aged victims of human trafficking. The subcommittee looked at data from Shared Hope International who compiles information for comparison on a state-by-state basis on how states are managing human trafficking crimes and victims. Idaho's current laws do not compare well, as they relate to prosecution and criminalization of victims involved in the commercial sex trade as a direct result of human trafficking. This, along with the assessment that Idaho does not provide a statutory avenue to specialized services for juvenile victims, is the impetus for this bill. The bill outlines a diversionary program that takes the specialized circumstances of juvenile human trafficking victims into account and it allows human trafficking victims an affirmative defense for certain crimes. In answer to questions from the Committee, Mr. Fredericksen explained the diversion programs are not yet in place, but the new statute, if approved, will make it possible to apply for Federal and private grants.

MOTION: **Rep. Wintrow** made a motion to send **S 1003aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wintrow** will sponsor the bill on the floor.

S 1110aa: **Mike Kane**, on behalf of the Idaho Sheriff's Association presented **S 1110aa**. This bill sets guidelines for the profession of bounty hunting. This bill is a compromise. It takes into account the needs of law enforcement, bail enforcement agents and department of insurance. Currently, there are no laws that regulate the profession, but this bill rectifies this. Mr. Kane outlined the requirements for being a bail enforcement agent and the penalties for not complying. He stated bail enforcement agents must carry identification and a badge. They must also notify law enforcement when a planned apprehension is scheduled. The bill also cleans up language as it relates to bail agents. In answer to questions from the Committee, Mr. Kane explained how the bill has been changed to make it more palatable to all the stakeholders. He stated this proposed law would also apply to bail enforcement agents entering the state.

MOTION: **Rep. Gannon** made a motion to send **S 1110aa** to the floor with a **DO PASS** recommendation.

In answer to questions from the Committee, **Mr. Kane** stated bail enforcement agents don't have to carry a weapon, but can if they choose to do so. If they do, they must be in compliance with state and Federal laws.

Sheriff Kieran Donahue, Canyon County Sheriff spoke **in support** of **S 1110aa**. He shared examples of incidents involving bounty hunters that ended tragically. He stated this bill is a good collaboration of all stakeholders.

Melinda Merrill, on behalf of Triton Management / Aladdin Bail Bonds and Idaho Bail Coalition, spoke **in support** of **S 1110aa**. She stated Aladdin has a strong presence in Idaho and their agents receive training.

Jesse Taylor, American Bail Coalition, yielded to a question from the Committee. He explained extrications by out of state bail enforcement agents are handled by contacting an Idaho based bail agent who fills out the required forms such as requests for affidavits and arrest warrants.

VOTE ON MOTION: **Chairman Dayley** called for a vote on the motion to send **S 1110aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Troy** will sponsor the bill on the floor.

ADJOURN: There being further business to come before the committee. The meeting adjourned at 2:43 p.m.

Representative Dayley
Chair

Wendy Carver-Herbert
Secretary