

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Wednesday, March 20, 2019

**TIME:** 1:00 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Lakey, Vice Chairman Lee, Senators Thayn, Cheatham, and Burgoyne

**ABSENT/ EXCUSED:** Senators Lodge, Anthon, Grow, and Nye

**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 1:05 p.m.

**GUBERNATORIAL RE-APPOINTMENT HEARING AND VOTE:** **Dr. Michael D. Johnston**, having been re-appointed to the Sexual Offender Management Board (Board), spoke to the Committee on speaker phone. **Dr. Johnston** stated that he was a forensic psychologist in private practice for over twenty years. His contribution to the Board is in the area of adult sexual offender treatment and evaluation. He also has expertise in working with juvenile sexual offenders.

**DISCUSSION:** **Chairman Lakey** asked Dr. Johnston to explain the differences in working with juveniles versus adults. **Dr. Johnston** responded that a psychosexual evaluation is designed to give an estimate on an examinee's risk to offend again. It is broken down into three categories: low, moderate, and high risk. An evaluator looks for things called static risk variables, dynamic variables, and protective variables. The risk variables are the things that have been identified in research that increase the examinee's risk to reoffend and protective variables are things that decrease the risk. **Dr. Johnston** stated the main difference between adults and juveniles is that they have different risk and protective variables. Another big difference is the base rate, which refers to the frequencies which cause those populations to reoffend. Juveniles are much less likely to reoffend than adults.

**MOTION:** **Vice Chairman Lee** moved to send the Gubernatorial re-appointment of Dr. Michael D. Johnston to the Sexual Offender Management Board to the floor with recommendation that he be confirmed by the Senate. **Senator Cheatham** seconded the motion. The motion passed by **voice vote**.

**GUBERNATORIAL RE-APPOINTMENT VOTE:** **Senator Thayn** moved to send the Gubernatorial re-appointment of Dr. David McClusky to the Idaho State Board of Correction to the floor with recommendation that he be confirmed by the Senate. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Thayn** moved to approve the Minutes of January 21, 2019. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Chairman Lakey passed the gavel to Vice Chairman Lee.

**RS 27020** **Chairman Lakey**, introduced **RS 27020**. He indicated that this RS relates to certain administrative rules that are passed every year at the end of the session, and requested it be sent to print for consideration.

**MOTION:** **Senator Thayne** moved to send **RS 27020** to print. **Senator Cheatham** seconded the motion.

**SUBSTITUTE MOTION:** **Senator Burgoyne** moved to send **RS 27020** to print and upon receiving a bill number that it be sent to the floor with a **do pass** recommendation. **Senator Cheatham** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chairman Lee passed the gavel to Chairman Lakey.

**H 266** **Representative Melissa Wintrow**, District 19, introduced **H 266** and stated that it relates to reporting to law enforcement certain types of injuries when presented at medical facilities. There is a responsibility according to Idaho law that law enforcement be contacted by the medical staff to report that a crime or injury may have occurred. One of the nurses participating in the working group for **H 266**, pointed out that detail. This legislation would enable medical personnel not to report a rape if the process is done anonymously. **Representative Wintrow** reminded the Committee of the anonymous process to collect and preserve a rape kit. Once the victim leaves the facility, the nurses turn the evidence over to law enforcement. The kit will be tagged and numbered in a tracking system so if it needs to be attached to a name later, it can be. This process is a safeguard for someone who might change her mind about coming forward a significant length of time after the incident occurred. **Representative Wintrow** stated she was anxious to get this legislation passed to protect the anonymous rape kit process.

**MOTION:** **Vice Chairman Lee** moved to send **H 266** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**PAGE RECOGNITION:** **Recognizing Makenna Moore for Her Service to Senate Judiciary & Rules Committee.** **Chairman Lakey** announced to the Committee that Ms. Moore was ill today. Alex Knowlton, page, Commerce and Human Resources, filled in for Ms. Moore and he shared her thoughts. Ms. Moore thanked everyone for the opportunity to be here. She quickly found that these "important" people were also very normal people. She learned much about herself during her time at the Capitol – even considering politics for herself. She commented that this was the best time of her life and thanked everyone for the experience.

**ADJOURNED:** There being no further business at this time, **Chairman Lakey** adjourned the meeting at 1:20 p.m.

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Senator Lakey  
Chair

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Sharon Pennington  
Secretary