

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, February 05, 2020

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Chaney, Acting Vice Chairman Monks, Representatives Kerby, Amador, Zito, Zollinger, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Wintrow, Davis

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheets will be retained with the minutes in the Committee secretary's office until the end of the session. Following the end of the session, the sign-in sheets will be filed with the minutes in the Legislative Services Library.

Chairman Chaney called the meeting to order at 1:30 p.m.

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Chaney** made a unanimous consent request to take up the RSs on the agenda first. There being no objection, the request was granted.

MOTION: **Rep. Troy** made a motion to introduce **RS 27236C1, RS 27487, RS 27587, RS 27590, RS 27494, RS 27542, RS 27563, RS 27309C1, and RS 27553. Motion carried by voice vote.**

Judge Barry Wood, Senior Judge Administrative Office of the Courts, introduced the panel of Administrative Court judges.

Judge Rich Christensen, Administrative District Judge, First Judicial District, presented on the need for an additional judge in the First Judicial District. The volume of cases has increased commensurate with the population growth. For example, Kootenai County has grown 25 percent between 2006 and 2018. He explained the judges work long days and handle more cases on average than any other Idaho Judicial District. This impacts offenders and victims, is burdensome on defenders, prosecutors and law enforcement, and is costly for litigants in civil cases. **Chairman Chaney** explained the relevance of this presentation to the Committee, as the number of district court judges is set by statute, and requires more than a budget approval through the JFAC process.

Judge Melissa Moody, Administrative District Judge, Fourth Judicial District, presented on the need for a floating court reporter to be shared between the Third and Fourth Judicial Districts. This court reporter will provide coverage for conflicting jury trials and for Grand Jury proceedings. The Third Judicial District is not able to have Grand Jury proceedings because of the lack of court reporters. She explained it is critical to capture the proceedings accurately and even though more than one court reporter is needed, the courts are only asking for one at this time.

In answer to questions from the Committee, **Judge Moody** explained audio recordings are used in all Magistrate court proceedings except capital murder and termination of parental right proceedings. Recording District court proceedings are so important the Idaho Legislature has determined, through policy, that these cases require court reporters. Audio recordings do not have the ability to discern inaudible testimony and there is a risk of technology failures.

Judge Darren Simpson, District Judge, Seventh Judicial District, praised the Odyssey Case management system because it improves productivity and efficiency. The system also makes it easier to access and track case information across multiple counties, which is especially helpful for judges that serve multiple counties.

Judge Gene Petty, District Judge, Third Judicial District, presented on the mental health courts, which are based on the problem solving court model. Strong evidence of matching treatment with close court supervision can keep offenders out of prison and reduce recidivism. To qualify for mental health court, offenders must have a serious mental illness and be considered high risk and need. Several offenses prevent participation such as felony sex offenses, violent crimes, and crimes with firearms or deadly weapons. He described the four phases of the program, including weekly court hearings and access to a range of services like drug addiction support and mental health counseling. Defendants must pass each phase successfully in 18 months to reach graduation. Participants generally remain on probation for a period of time after graduating.

In answer to questions from the Committee, **Judge Petty** explained candidates are tested prior to coming to the problem solving courts to determine if mental health or drug courts best suit their needs. He discussed the need for resources in rural counties. While Senior judges could choose to participate in smaller counties, the lack of other supporting resources such as counselors and treatment options would make it difficult to administer the problem solving courts. Judge Petty emphasized that judges participate voluntarily and do not receive relief from their traditional dockets.

H 373: **Chairman Chaney** returned the bill regarding the expansion of inmate training programs to the Committee for consideration.

MOTION: **Rep. Kerby** made a motion to send **H 373** to the floor with a **DO PASS** recommendation.

Speaking to the motion, **Rep. Kerby** stated it is important to provide training to inmates to give them an opportunity for employment after prison and reduce recidivism.

Rep. Wintrow stated she agreed with the overall goals of the program, but had concerns about the level of compensation if someone is permanently disabled or dies while on the job. She voiced concern that the maximum cap on compensation seems well below cost estimates she received from the Idaho Industrial Commission for similar injuries.

Rep. Ricks stated this bill only expands the work training program. There are inherent risks to individuals in prison regardless of what can happen on a job. He stated this program is a great way to build self-esteem and earn money to pay for obligations. While he understands the concerns raised, he said perhaps they could be addressed in ongoing discussion once the bill passes.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Ricks** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 2:37 p.m.

Representative Chaney
Chair

Wendy Carver-Herbert
Secretary