

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Monday, February 15, 2021

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Chaney, Vice Chairman Hartgen, Representatives Kerby, Amador, Ehardt, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, Ruchti, Nash

**ABSENT/
EXCUSED:** None

GUESTS: Kelly Packer, Assoc. of Id. Cities; John Evans, Garden City/AIC; Aleshea Boals, not stated; Jeff Lavey, Idaho Sheriffs; Seth Grigg, ISA, Sheriff Kieran Donahue, ISA; Kelli Brassfield, Id. Association of Counties.

Chairman Chaney called the meeting to order at 1:47 p.m.

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Chaney** made a unanimous consent request to introduce **RS 28544, RS 28578, RS 28582, RS 28476, RS 28512, RS 28580, RS 28550, RS 28551, and RS 28474**. There being no objection, the request was granted.

H 30: **Rep. Paul Amador**, District 4, presented **H 30** to transfer \$800k each fiscal year to the Peace Officers Standards and Training dedicated fund from the Liquor Account.

Brad Johnson, Administrator, Peace Officer Standards Training (POST) Academy, further presented **H 30**, explaining the necessity for this legislation. Responding to committee questions, Mr. Johnson said POST assists some Idaho cities and counties, with their own officer training programs, establish training criteria and measuring training quality.

John Evans, Mayor, Garden City, testified **in opposition** to **H 30**, stating the cities, already do make POST contributions through collected fines and fees, should not lose any portion of the Liquor Account. Some of the Liquor Account funds cover miscellaneous expenses when sending officers to POST. Answering a question, he said no city will be bankrupted by this legislation, although there will be a funds depletion. Use of fines and court fees would be a better payment approach.

Jeff Lavey, Idaho Sheriff's Association, testified **in support** of **H 30**. Idahoans deserve well-trained law enforcement. He described training problems which have occurred as a result of POST budget shortfalls. This dependable funding source was selected with the help and support of the Governor's Office.

Seth Griggs, Director, Idaho Association of Counties (IAC), testified **in support** of **H 30**. He described the minimal impact of this legislation on the overall county budgets.

Kieran Donahue, Canyon County Sheriff, testified **in support** of **H 30**.

MOTION: **Rep. Troy** made a motion to send **H 30** to the floor with a **DO PASS** recommendation.

Discussion followed pertaining to the importance of funding POST and concerns regarding using cities and counties as this funding source.

**ROLL CALL
VOTE:** Roll call vote was requested. **Motion failed by a vote of 8 AYE and 9 NAY. Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Amador, Ehardt, Troy, Young, Cannon. Voting in opposition** to the motion: **Reps. Scott, Marshall, Nate, Erickson, Skaug, Gannon, McCrostie, Ruchti, Nash.**

S 1036: **Rep. Colin Nash** , District 16, presented **S 1036**, which improves the flexibility of the Court to hold temporary guardian appointment hearings for persons with developmental disabilities. Increasing the number of days from ten to fourteen allows for continuances, better case preparation, and expert witness testimony. Provision is made for a seven-day hearing request.

MOTION: **Rep. McCrostie** made a motion to send **S 1036** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Ehardt** requested she be recorded as voting **NAY.** **Rep. Nash** will sponsor the bill on the floor.

S 1037: **Rep. David Cannon**, District 31, presented **S 1037**. This legislation, recommended by the Idaho Supreme Court, improves the procedure for the commitment of mentally ill persons by changing the initial hearing time frame to seven days from five days. The change addresses deadlines falling on weekends or holidays and improves the efficiency of the process.

MOTION: **Rep. Scott** made a motion to send **S 1037** to the floor with a **DO PASS** recommendation.

Kieran Donahue, Canyon County Sheriff, on behalf of the Idaho Sheriff Association (ISA) testified **in opposition** to **S 1037**. Individuals with an involuntary commitment due to mental illness should not be held in the county jails any longer than necessary because exposure to this environment is traumatic.

Kelli Brassfield, Idaho Association of Counties (IAC), testified **in opposition** to **S 1037**. In criminal cases the time frames are important. Individuals with mental illnesses require shorter time frames than criminal cases. Additionally the effect upon families and the associated costs are significant.

In response to Committee questions, **Rep. Cannon** explained the cases require additional time for defense preparation and professional input. He said, in closing remarks, these continuances are rare since everyone is working to move the cases along as quickly as possible. This change does not prevent a person from being released before seven days.

VOTE ON MOTION: **Chairman Chaney** called for a vote on the motion to send **S 1037** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Skaug** and **Erickson** requested they be recorded as voting **NAY.**

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 3:51 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary