

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, February 17, 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 (Andrew), Gannon, McCrostie, Ruchti, Nash

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet 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 sheet will be filed with the minutes in the Legislative Services Library.

Chairman Chaney called the meeting to order at 1:32 p.m.

MOTION: **Rep. Cannon** made a motion to approve the minutes of the February 9, 2021, meeting. **Motion carried by voice vote.**

Chairman Chaney announced the formation of a Landlord/Tenant Sub-Committee comprised of **Reps. Hartgen, Chairman, Kerby, Amador, Ehardt, Scott, Erickson, McCrostie, and Nash.** The subcommittee will review and report to the full committee their recommendation for **H 45** and **H 152.**

Lawrence Wasden, Attorney General (AG), presented the AG's 2022 budget request. He described their clients and how the allotted resources are used. The budget request and 2021 accomplishments were detailed.

Chris McCormick, AG's Office, Missing and Exploited Children Unit, presented an update on the unit's 2021 accomplishments.

S 1027: **Rep. Barbara Ehardt**, District 33, presented **S 1027.** Idaho is one of only 15 states where an exonerated person is left completely on his own after he is released from prison. This legislation creates an exoneree compensation law and is similar to one passed in 2020. Compensation would be \$62k per year of wrongful incarceration or \$75k per year served on death row. A process would be established for compensation claims. Anyone forced to wrongfully serve parole on the sex offender registry would receive an additional \$25k per year. Exonerees would be given a claim filing window of two-years from the time they were formally exonerated by a court.

Sen. Doug Ricks, District 34, continued the presentation of **S 1027** by describing a wrongful conviction and the remedies offered by this legislation.

MOTION: **Rep. Gannon** made a motion to send **S 1027** to the floor with a **DO PASS** recommendation.

Chris Tapp testified in support of **S 1027** and shared his story of being incarcerated for over 20 years before the conviction was overturned through the efforts of the victim's mother and the Innocence Project.

**ROLL CALL
VOTE:** Roll call vote was requested. **Motion carried by a vote of 17 AYE and 0 NAY.** **Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Amador, Ehardt, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, Ruchti, Nash.** **Rep. Ehardt** will sponsor the bill on the floor.

Chairman Chaney thanked **Austin Swing** for his service as the Committee's page during the first half of the session

Chairman Chaney put the Committee at ease.

Chairman Chaney called the meeting to order.

Chairman Chaney turned the gavel over to **Vice Chairman Hartgen**.

H 195:

Rep. Greg Chaney, District 10, presented **H 195** to define appropriate protest conditions.

Vice Chairman Hartgen put the Committee at ease at 2:35 p.m.

Vice Chairman Hartgen called the meeting to order at 2:56 p.m.

Rep. Brooke Green, District 18, continued the presentation of **H 195**. She provided examples of inappropriate protesting, explaining the existence of similar legislation in other states.

Rep. Chaney further described examples of inappropriate protesting and stated this protection protects members of the public as well as public officials.

Diana Liciondo, an Ada County Health District employee, testified **in support of H 195**. She described a recent public protest at her home and its impact on her children.

Kieran Donahue, Sheriff, on behalf of the Idaho Sheriff's Association, testified **in support of H 195**. He said protection of law enforcement at their homes would include investigators of crimes against children, and others who do sensitive work. Protests are appropriate at the Statehouse, not at homes.

Steve Smiley, testified **in support of H 195**. He described the impact on families when protests of public officials occur at their homes.

Ryan Rhoades, representing the Idaho Fraternal Order of Police (FOP), testified **in support of H 195**, explaining why public protest requires some boundaries surrounding appropriate times and places.

MOTION:

Rep. Nate made a motion to adjourn the meeting.

Vice Chairman Hartgen turned the gavel over to **Chairman Chaney**.

**ROLL CALL
VOTE ON
MOTION:**

A roll call vote was requested. **Motion failed by a vote of 3 AYE, 13 NAY and 1 Absent/Excused. Voting in favor of the motion: Reps. Scott, Marshall, Nate. Voting in opposition to the motion: Reps. Chaney, Hartgen, Kerby, Amador, Troy, Young, Cannon, Erickson, Skaug, Gannon, McCrostie, Ruchti, Nash. Rep. Ehardt was absent/excused.**

**UNANIMOUS
CONSENT
REQUEST:**

Chairman Chaney made a unanimous consent request to put the Committee at ease until 10 minutes after the afternoon floor session. There being no objection, the request was granted.

Chairman Chaney called the meeting back to order at 4:42 p.m.

Chairman Chaney turned the gavel over to **Vice Chairman Hartgen**.

Ryan Luke testified **in opposition to H 195**. He stated accosting people rarely occurs. This legislation attempts to blanket rule, predicting trouble instead of responding to a problem.

Rosa Martinez, although no longer present to testify, requested she be allowed to testify via FaceTime on her friend's phone. **Vice Chairman Hartgen** denied the request.

MOTION: **Rep. Gannon** made a motion to allow phone testimony in this case due to extenuating circumstances.

Vice Chairman Hartgen turned the gavel over to **Chairman Chaney**.

Chairman Chaney put the committee at ease.

Chairman Chaney called the meeting to order.

Chairman Chaney explained only persons present will be allowed to testify, with no testimony via FaceTime. Individuals who registered to testify and are unable to do so due to the unscheduled committee recess will be allowed to testify at the committee's Friday, February 19, 2021, meeting.

Chairman Chaney turned the gavel over to **Vice Chairman Hartgen**.

Sara Walton Brady, Del Chapel, Eva Selleck, Monica McKinley, Jessica Marcu, Robert Jones, Melanie Jones, Dana Clemeaux, Jennifer Acheson, David Michael Pettinger, Maggie Baker, Alisha Surdam, Cassie Baker, Mario Perea, testified in opposition to **H 195**.

They shared their concerns regarding repressing the voices of the people, the legislation's unconstitutionality, their frustrations when officials make rules which diminish liberty, communistic actions on the part of officials, use of this legislation to fix an acute problem with long term laws, and government overreach.

Claire Seigliano testified in support of **H 195**. She indicated her anger when her friend's house was picketed. It is a terrible experience and unnecessary.

Due to time constraints and to allow for testimony by individuals who signed up to testify but were unable to be in attendance for the continued afternoon meeting, **H 195** will be carried over to the meeting of February 19, 2021, at 1:30 p.m.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 5:36 p.m.

Representative Hartgen
Chair

Andrea Blades
Secretary