

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, February 23, 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:** Representative(s) Ehardt

GUESTS: Ashley Dowell, COPP; Monica McKinley, F; Margie Baker, EFI; Bruce Wong, ACHD; Andrew Masser, IACDL; Elisa Massoth; Holly Koole-Rebholtz

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

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Chaney** made a unanimous consent request to introduce **RS 28618, RS 28380C1, RS 28626, and RS 28661. Rep. Scott** objected.

H 149: **Rep. Julianne Young**, District 31, presented **H 149**, from the Coronavirus Liability Subcommittee. The term "coronavirus" is used within the statute to allow for virus mutations. This legislation extends the statute sunset date to July 1, 2022.

MOTION: **Rep. Hartgen** made a motion to send **H 149** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Young and Rep. Skaug** will sponsor the bill on the floor.

RS 28618: **Rep. Doug Okuniewicz**, District 2, presented **RS 28618**, proposed legislation to require the Department of Correction (DOC) obtain a permit prior to the placement of new re-entry centers. This ensures residents have a chance to provide input before a re-entry center is established in their neighborhood.

MOTION: **Rep. Skaug** made a motion to introduce **RS 28618. Motion carried by voice vote.**

RS 28380C1: **Rep. David Cannon**, District 31, presented **RS 28380C1**. This proposed legislation allows the waiving of the installation of an interlock device under certain circumstances. It also makes a clear distinction between the Idaho Transportation Department and the Courts.

MOTION: **Rep. Nash** made a motion to introduce **RS 28380C1 Motion carried by voice vote.**

RS 28626: **Rep. Sage Dixon**, District 1, presented **RS 28626** to allow remote court testimony by a child witness.

MOTION: **Rep. McCrostie** made a motion to introduce **RS 28626.**

Answering questions, **Rep. Dixon** said remote testimony is already used when judges deem it appropriate.

**VOTE ON
MOTION:** **Chairman Chaney** called for a vote on the motion to introduce the **RS 28626. Motion carried by voice vote.**

RS 28661: **Rep. Sage Dixon**, District 1, presented **RS 28661**, proposed legislation to further define parental rights. Emergency declarations would not be a compelling reason to interfere with parental rights.

- MOTION:** **Rep. Kerby** made a motion to introduce **RS 28661** with a correction on page 1, lines 12 to 13, to add "the courts" following "political subdivision." **Motion carried by voice vote.**
- H 193:** **Rep. Kevin Andrus**, District 28, presented **H 193**. This legislation for child support allows liens to be placed on personal property when there is a delinquency. It also provides determination audits for child support and custody.
- MOTION:** **Rep. Cannon** made a motion to send **H 193** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Andrus** will sponsor the bill on the floor.
- Chairman Chaney** turned the gavel over to **Vice Chairman Hartgen**.
- H 150:** **Rep. Caroline Troy**, District 5, presented **H 150** to make technical corrections in Title 20. A new chapter separates the Commission of Pardons and Parole from the DOC.
- MOTION:** **Rep. McCrostie** made a motion to send **H 150** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Troy** will sponsor the bill on the floor.
- H 148:** **Rep. Ryan Kerby**, District 9, presented **H 148**. This legislation waives a driver's license suspension and removes any interlock device when their case is dismissed, vacated, and the person is cleared of the driving under the influence (DUI) charge.
- Carlie Foster**, Lobby Idaho, on behalf of the Ada County Highway District, further presented **H 148**. This rectifies current situations when persons found not guilty continue to be punished. The Idaho Transportation Department has just reported a change to the fiscal note. They estimate a loss of \$425k to the state highway account from the loss of fees. The fiscal note will be changed to reflect the new amount.
- Holly Koole-Rebholtz** and **Monica McKinley** testified in opposition to **H 148** saying there are many reasons a case can be dismissed or vacated, even if a person has a high blood alcohol content in their test.
- Elisa Massoth**, Attorney, testified in support of **H 148** saying it narrowly corrects the over reach of license suspension before the finding of fact hearing. In many cases defendants will have had their license suspended for several months before reaching the point of vacating or dismissing the case.
- Vice Chairman Hartgen** turned the gavel over to **Chairman Chaney**.
- Bruce Wong**, Director, Ada County Highway District (ACHD), testified in support of **H 148**. When not guilty, a person should not be held accountable and punished. He shared situations when jobs were lost due to license suspension.
- Margie Baker** testified in support of **H 148**, although she stated concern regarding verbiage on page 8, lines 14 to 27.
- Andrew Masser**, Attorney, on behalf of the Idaho Criminal Defense Lawyers, testified in support of **H 148**. He described court case time lines. Idaho's system has always supported the concept of not doing the time if you didn't do the crime. Prosecutors are not dismissing DUI's at random.
- MOTION:** **Rep. Gannon** made a motion to send **H 148** to the floor with a **DO PASS** recommendation.

VOTE ON MOTION:

A roll call vote was requested. **Motion carried by a vote of 15 Ayes, 1 Nay. Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Amador, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, Ruchti, Nash. Voting in opposition** to the motion: **Rep. McCrostie. Rep. Kerby** will sponsor the bill on the floor.

UNANIMOUS CONSENT REQUEST:

Chairman Chaney made a unanimous consent request to carry over **H 191** to the meeting of February 25, 2021. There being no objection, the request was granted.

ADJOURN:

There being no further business to come before the Committee, the meeting adjourned at 2:50 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary