

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, January 25, 2022

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:** Rep. Ehardt

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 1:30 p.m.

Chairman Chaney welcomed everyone to the meeting. **Vice Chairman Hartgen** addressed the members regarding the Administrative Rule review schedule. Chairman Chaney explained how to register remotely to participate in public testimony.

Director Eric Frederickson provided the State Appellate Public Defender's (SAPD) Office and the Idaho Criminal Justice Commission update. He said the SAPD Office began in 1998 because counties were struggling to meet the need. He spoke about the Capital Crimes Defense Fund and outlined its use, the Right to Counsel and the roles of staff members. He described the Appellate Unit's case types, workload, and how cases are assigned. Director Frederickson explained the additional misdemeanor appeals and juvenile appeals recently added to the Appellate Unit.

Director Eric Frederickson speaking as chair of the Idaho Criminal Justice Commission (ICJC) said their Vision Mission Values are discussed at every meeting, he described the ICJC partners or members and the agencies that are represented. He said ICJC was recently re-adopted by the Governor to combat crime and protect citizens, their goal is to reduce victimization and recidivism in Idaho. They have also created subcommittees to advise policy makers in promoting efficiency and effectiveness of the state criminal justice system.

Director Ashely Dowell provided the Commission on Pardons and Parole update giving a brief overview of commissioners and agency staff. She reviewed the types of Commission decisions they deal with including parole, revocation, firearms restoration, miscellaneous, reinstatement, commutation, pardon, self-initiated parole reconsideration, medical parole. She said there are twelve individual case factors considered in making Commission decisions and she imparted the details of the six steps to a parole violation. Director Dowell reviewed the budget saying it is primarily a maintenance budget and they have no supplemental requests. She explained their virtual hearings process and gave a short office construction update. In answer to committee questions, Director Dowell gave an overview of the pardons process.

Colonel Kedrick Wills provided the Idaho State Police (ISP) update and introduced staff accompanying him today: Chief of Operations **Lt. Col. Sheldon Kelly**, POST Administrator **Brad Johnson**, Manager **Major Steve Davis** and Forensics Lab Manager **Matthew Gammett**. Colonel Wills reviewed the number of calls ISP received, the cases responded to, and the criminal investigations and fingerprint services accomplished over the past year. He said the ISP fingerprint services remained open during the pandemic. The lab is recognized as one of the best run in the country. He said they use an employee development plan that is great support for employee retention and wellness. Colonel Wills reviewed the supplemental budget requests submitted to JFAC this year, including a larger forensic lab, new dormitory for POST, extra expenses for the CAD Dispatching system, which is ready to implement, and a new, first time, helicopter, and extra staff positions to cover an ongoing need for security positions at the statehouse and pardons and parole.

RS 29036C1: **Rep. Amador** presented **RS 29036C1** saying this proposed legislation amends Idaho Code Section 23-404 to transfer 1.5% of the Liquor Fund distribution to the General Fund and then pass to the Peace Officers Standards and Training (POST) Fund each year. This distribution is taken from the Liquor Fund after the distribution to Cities and Counties is expected to generate an adequate sum to cover the annual budget shortfall, and there is a 1 million dollar cap on the distribution POST can receive. This distribution to POST will not negatively effect the Cities and Counties. The revenue from citations and court fees intended to fund POST has been insufficient to support the POST program. With declining revenues over time the problem continues to worsen. Inherent limitations in POST's funding sources have been a chronic problem for over a decade. This proposed solution in connection to the Liquor Fund is expected to provide a dependable funding source.

MOTION: **Rep. Kerby** made a motion to introduce **RS 29036C1**. **Motion carried by voice vote.**

H 444: **Rep. Young** explained that this bill will amend the 2021 session law about Coronavirus business immunity by extending the sunset date on that piece of legislation to July 2023.

Ken McClure representing Idaho Liability Reform Coalition, testified **in support of H 444**.

MOTION: **Rep. Hartgen** made a motion to send **H 444** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Young** will sponsor the bill on the floor.

H 451: **Rep. Erickson** said this legislation amends existing law to provide that a juvenile offender shall appear before the Custody Review Board in certain instances. The Board reviews the services to make sure they are appropriate for the individual juvenile case.

MOTION: **Rep. Cannon** made a motion to send **H 451** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Erickson** will sponsor the bill on the floor.

H 452: **Rep. Erickson** said this bill amends existing law to revise provisions regarding the detention of a juvenile in a jail or lockup for adults and revise a provision regarding standards for detention.

MOTION: **Rep. Scott** made a motion to send **H 452** to the floor with a **DO PASS** recommendation.

Rhiannon James representing the Idaho Association of Criminal Defense Lawyers spoke **in support of H 452**.

**VOTE ON
MOTION:**

Motion carried by voice vote. Rep. Erickson will sponsor the bill on the floor.

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