

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, February 09, 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:** Representative(s) Ehardt

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

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

Nancy Volle, Program Manager for the Sex Offender Management Board (SOMB), presented the Committee with an agency update. She briefly described the Program's origination, identified the board members, described SOMB's purpose, and reviewed the Board's work in progress.

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

DOCKET NO. 57-0101-2100F: **Nancy Volle**, Program Manager for the Sex Offender Management Board (SOMB) presented **Docket No. 57-0101-2100F** to the Committee and explained that there are no changes beyond what was approved during the previous legislative session.

MOTION: **Chairman Chaney** made a motion to approve **Docket No. 57-0101-2100F**. **Motion carried by voice vote.**

DOCKET NO. 50-0101-2100F: **Ashley Dowell**, Executive Director of the Commission of Pardons and Parole, presented **Docket No. 50-0101-2100F**. She explained that the Commission held a public meeting to discuss the proposed changes; however, they did not receive public feedback. The Commission made widespread changes to the docket mainly to remove obsolete or unnecessary language, ensure clarity, to reflect current practices, and she pointed out some of the highlights.

MOTION: **Rep. Gannon** made a motion to approve **Docket No. 57-0101-2100F**. **Motion carried by voice vote.**

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

MOTION: **Rep. Young** made a motion to introduce **RS 29441, RS 29412, RS 29151, RS 29320, RS 29405, RS 29423, RS 29429, RS 29430, RS 29431, RS 29432, RS 29433, RS 29439, RS 29440** and **RS 29492**. **Motion carried by voice vote.**

H 543: **Rep. Mathias** presented **H 543** explaining that this proposed legislation would increase the current grand theft threshold from \$1000 to \$2500 for certain crimes and under certain circumstances. The current threshold was set by the legislature in 1993, and with inflation, the amount should be increased. This change would only benefit those who do not have a record of theft or first-time situations and not repeated offenders.

The following individuals spoke **in opposition** to **H 543**: **Fred Birnbaum**, Freedom Foundation; **Mike Maraglia**, Fraternal Order of Police; **Melinda Merrill**, NW Grocery Association; **Steve Madden**, Precinct 1923 GOP Voters; **Pam Eaton**, Idaho Retailers Association; **Holly Koole**, Idaho Prosecuting Attorneys Association. They expressed concerns about victims, saying theft is not a victimless crime. This legislation devalues victims in favor of inflation and the legal inconveniences experienced by those who violate this law. Concerns about whether the benefits included in this legislation will indeed be applied to individuals charged for the first-time or if repeated violators will also benefit. Retailers stated that the distinction between first time violators and individuals who get caught stealing for the first time needed to be considered. The lawless events occurring in Portland and San Francisco were mentioned, and how many little items can be stolen before adding up to \$1000, let alone \$2500. The police see the injury these types of thefts cause individual victims in their personal lives, and it was noted that with this increase, a stolen iPhone would not qualify as grand theft.

The following individuals spoke **in support** of **H 543**: **Teresa Molitor**, Idaho Criminal Defense Lawyers; **Mike French**, Idaho Association of Criminal Defense Lawyers; **Erica Marshall**, Idaho Justice Project; **Joe Miller**, Idaho Assn. Criminal Defense Lawyers. Defense attorneys have concerns about the impact the low current threshold for grand theft has on individuals lives, it is destroying their lives. And noted the distinction between professional retail thieves and individuals who steal out of impulse or need. Advocates for better justice expressed concern about the expenses of incarceration compared to the current threshold and that Idaho has an extremely high percentage of offenders in prison for grand theft. It was pointed out that raising the threshold does not let people "off the hook". Idaho has powerful misdemeanor codes, and violators would still face those consequences. Idaho does not have grades of felonies (A, B, C) like many other states, making it hard to compare the impact of the current threshold with other states.

Rep. Mathias summarized that the grand theft threshold needs to incorporate inflation in today's economy, and this change is overdue. Idaho's good economy is why we enjoy a lower theft rate than other states and not the current grand theft threshold. And the most compelling reason to raise the threshold is that it sets a culture for change and considers the seriousness of these charges in a balance with reason.

The Committee voiced concerns about the inconsistent statistical information offered today. Questions are yet unanswered about how Idaho's current grand theft thresholds compare to other states and what dependable statistics exist on the impact of this issue on public safety. Judiciary input on this issue is desired. The comparison of this proposed legislation to lawlessness was not appreciated by some committee members, reminding everyone that this legislation does not change a judge's discretion and that misdemeanor convictions will still carry up to one year in jail.

MOTION: **Rep. Ruchti** made a motion to send **H 543** to the floor with a **DO PASS** recommendation.

Rep. Cannon declared a rule 80.

Committee members expressed concern about the timing of this bill, about not having enough information to make a decision, and being conflicted between a potential need for policy change and a potential impact on public safety.

SUBSTITUTE MOTION: **Rep. Cannon** made a substitute motion to **HOLD H 543** in committee.

**AMENDED
SUBSTITUTE
MOTION:**

Rep. McCrostie made an amended substitute motion to send **H 543** to General Orders to change the threshold amount to a more agreeable figure.

**ROLL CALL
VOTE ON
AMENDED
SUBSTITUTE
MOTION:**

Roll call vote was requested. **Amended substitute motion failed by a vote of 3 AYE, 12 NAY and 2 Absent/Excused. Voting in favor of the motion: Rep. McCrostie, Ruchti, Nash. Voting in opposition of the motion: Rep. Hartgen, Kerby, Amador, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, Chaney. Reps. Ehardt and Scott were Absent/Excused.**

**ROLL CALL
VOTE ON
SUBSTITUTE
MOTION:**

Roll call vote was requested. **Substitute motion carried by a vote of 13 AYE and 2 NAY with 2 Absent/Excused. Voting in favor of the motion: Rep. Hartgen, Kerby, Amador, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, Chaney. Voting in opposition of the motion: Rep. Ruchti, Nash. Reps. Ehardt and Scott were Absent/Excused.**

There being no further business to come before the Committee, the meeting adjourned at 3:34 p.m

Representative Chaney
Chair

Andrea Blades
Secretary