

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, March 15, 2022

TIME: 1:30 pm or upon adjournment

PLACE: Room EW42

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

**ABSENT/
EXCUSED:** Rep. 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.

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Chaney** made a unanimous consent request to amend the agenda to include the minutes from February 17 and February 23, 2022 for committee approval. There being no objection the request is granted.

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Chaney** made a unanimous consent request to move the approval of the minutes to the bottom of the agenda. There being no objection the request is granted.

S 1289aa: **Rep. Skaug** presented **S 1289aa** which adds to existing law to authorize either or both houses of the Legislature to intervene in certain action regarding the constitutionality of an Idaho statute. It creates an express right for the legislature to intervene in any legal challenge of an Idaho statute. At present a judge has to take action before the legislature can intervene and by then key legal arguments are lacking. The legislation has been reviewed and supported by the Idaho Attorney General's Office.

Rep. Skaug responded to several very specific committee questions about what this legislation is intended to do.

Rep. Ruchti declared a Rule 80.

Rep. Kerby a motion to send **S 1289aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.**

S 1321: **Rep. Hartgen** presented **S 1321** which amends existing law regarding assault and battery upon employees of a public or consumer-owned utility. **Jason Hudson**, representing the American Federation of Labor and Congress Industrial Organization (AFL-CIO), was introduced and he explained the collaboration involved with **S 1321** and spoke in more detail about the problems that have inspired his legislation. In emergencies and other crises the first thing required is the public utilities, electric, gas, water, has to be shut off to allow first responders to do their job safely. There have been incidents of assault and battery when utility workers are trying to do their job and this law is intended to give them some legal protection.

Kyle Beierle, Ben Cook, and Eric York, public utility workers, spoke in support of **S 1321** and described their experiences of being fired upon and assaulted by property owners when accessing public utilities for maintenance and other necessary work.

Will Hart, Executive Director of Idaho Consumer Owned Utilities Association (ICOUA), and representing twenty-one different rural electric cooperatives and municipal power companies across Idaho, spoke **in support** of **S 1321**. He explained that instances of assault on their front-line workers, especially linemen and those who work with first responders, have increased over the past 3-4 years.

MOTION: **Rep. Troy** made a motion to send **S 1321** to the floor with a **DO PASS** recommendation.

During committee discussion concerns were raised about the section of code this amendment is being placed in.

MOTION: Due to the motion maker's absence **Rep. McCrostie** made a motion to send **S 1321** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE: A roll call vote was requested. **The motion carried with a vote of 11 AYE, 3 NAY, 3 ABSENT/EXCUSED.** Voting **in support** of the motion **Reps. Kerby, Amador, Marshall, Cannon, Erickson, Gannon, McCrostie, Ruchti, Nash, Hartgen, and Chaney.** Voting **in opposition** to the motion **Reps. Scott, Young, and Nate.** **Reps. Ehardt, Troy, and Skaug were absent/excused.** **Rep. Hartgen** to sponsor the bill on the floor.

S 1322: **Rep. Hartgen** presented **S 1322** which amends existing law to revise provisions regarding address verification and registration of sexual offenders. **Director Ashley Dowell**, Pardons and Parole Commission, and Chairman of the Sex Offender Subcommittee of the Idaho Criminal Justice Commission (ICJC), was introduced to explain the bill further. She explained that the ICJC Sex Offender Subcommittee was assembled to review germane statutes and identify, remove or revise statutes that are unclear, unconstitutional, unenforceable or no longer in use. The Sex Offender Subcommittee was comprised of members from various backgrounds including prosecution, public defense, state appellate public defense, Sex Offender Management Board, the Criminal Division of the Attorney General's Office, legislators, the Fraternal Order of Police and the Idaho State Police Sex Offender Registry. The next four pieces of legislation are a direct result of the work of the ICJC Sex Offender Subcommittee, they have been reviewed and unanimously approved by the committee members, and by the Idaho Prosecuting Attorney Association and the Fraternal Order of Police. She explained the process of the Sex Offender Registry and said **S 1322** simply takes into consideration legitimate postal delays and will make the process more practical for the Sheriffs who are charged with enforcing it.

MOTION: **Rep. Amador** made a motion to send **S 1322** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Hartgen** will sponsor the bill on the floor.

UNANIMOUS CONSENT REQUEST: **Chairman Chaney** made a unanimous consent request to move **S 1324** to the top of the agenda. There being no objection, the request was granted.

S 1324: **Rep. Hartgen** presented **S 1324** which amends existing law to remove provisions regarding sexual abuse and sexual battery of certain minors. **Ashley Dowell**, Director, Pardons and Parole Commission, and Chairman of the ICJC Sex Offender Subcommittee was introduced to explain **S 1324** in more detail. Director Dowell explained that this legislation is a recommendation from the ICJC Sex Offender subcommittee and it removes two unenforceable and unused portions of code. In 2002 a court determined that certain language pertaining to photographing a minor child is unenforceable, this ruling is referred to as the "Bonner Ruling". Prosecutors do not charge this offense in this section of code due to this ruling and that's why it is being removed. The crime it addresses, is still a chargeable crime existing in a different section of code.

John Dinger, Ada County Prosecutor's Office, was introduced to answer some committee questions. He assured everyone that even though these two provisions are being removed from code they still have the ability to prosecute the crime associated with photographing unclothed minor children in a different area of code.

MOTION: **Rep. McCrostie** made a motion to send **S 1324** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** Rep. Hartgen will sponsor the bill on the floor.

UNANIMOUS CONSENT REQUEST: **Chairman Chaney** made a unanimous consent request to move **S 1325** to the top of the agenda. There being no objection, the request was granted.

S 1325: **Rep. Chaney** presented **S 1325** which amends, repeals, and adds to existing law to revise provisions regarding certain sex crimes. The committee had several questions, **Ashley Dowell**, Director, Pardons and Parole Commission, and Chairman of the ICJC Sex Offender Subcommittee and **John Dinger**, Ada County Prosecutor's Office, were introduced to explain **S 1325** in more detail.

MOTION: **Rep. Amador** made a motion to send **S 1325** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** Rep. Chaney will sponsor the bill on the floor.

UNANIMOUS CONSENT REQUEST: **Chairman Chaney** made a unanimous consent request to begin the introduction of **S 1323** in **Rep. Troy's** absence. There being no objection the request was granted.

S 1323: **Chairman Chaney** presented **S 1323** which amends existing law to revise provisions regarding penetration and rape. He introduced **Ashley Dowell** Director, Pardons and Parole Commission, and Chairman of the ICJC Sex Offender Subcommittee who spoke in more detail about the legislation.

MOTION: **Rep. Kerby** made a motion to send **S 1323** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** Rep. Troy will sponsor the bill on the floor.

MOTION: **Rep. Nash** made a motion to approve the meeting minutes from February 1, February 3, February 17 and February 23, 2022. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee the meeting adjourned at 2:30 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary