

MINUTES  
**HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE**

**DATE:** Wednesday, March 13, 2019

**TIME:** 1:00 P.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Dayley, Vice Chairman Chaney, Representatives Kerby, Amador, Zito, Zollinger, Ehardt, Scott (Paterson), Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Wintrow, Davis (Goldman)

**ABSENT/  
EXCUSED:** None

**GUESTS:** Charlie Spencer, ISP; Dawn Burns, Ada County Juvenile Court; Barry Wood, Jason Spillman; ISC, Annie Hightower, ICASDV; Katherine Kerner, St. Lukes; Darren Mitchell, Curt Crum, Boise City Police; Jeremy Chou, Givens Pursley; Nancy Volle, SOMB; Toni Lawson, Idaho Hospital Assoc.

**Chairman Dayley** called the meeting to order at 1:06 p.m.

**H 266:** **Rep. Wintrow** presented **H 266**. This legislation clarifies that when an adult victim of sexual assault comes to the hospital for an anonymous sexual assault medical forensic exam, the hospital staff will not be required to report the injury to police in order to protect the anonymity of the victim. Idaho statute 67-2919 defines conditions for the collection of an anonymous sexual assault evidence kit according to the Violence Against Women Act. **Rep. Wintrow** said this legislation clarifies policy for reporting injury when the adult sexual assault victim submits to collection of evidence. It protects victims' rights. This bill provides a very narrow definition of what shall be kept anonymous. If passed, law enforcement will take custody of the evidence, but the personal information of the victim will not be reported.

**MOTION:** **Rep. McCrostie** made a motion to send **H 266** to the floor with a **DO PASS** recommendation.

**AMENDED  
MOTION:** **Rep. McCrostie** amended his original motion to include **H 266** be sent directly to the second reading calendar.

In answer to questions from the Committee **Rep. Wintrow** stated the number of sexual assaults are already being counted. She explained the sexual assault evidence kits are collected anonymously if the victim chooses because they are often traumatized and don't know what to do at the time. This gives law enforcement a way to collect, track and preserve evidence. Every kit is numbered, the number is assigned to the victim who has the ability to track its status through the system. She stated it is very difficult for a criminal case to be prosecuted without the victim's permission.

**VOTE ON  
MOTION:** **Chairman Dayley** called for a vote on the motion. **Motion carried by voice vote.** **Rep. Wintrow** will sponsor the bill on the floor.

**S 1134:** **Jason Slade Spillman**, Legal Counsel, Administrative Office of the Courts, Idaho Supreme Court presented **S 1134**. This bill will permit the Supreme Court access to the data in the court's Odyssey case management system to compile and maintain a statewide master jury list. Additionally, it will direct the court to divide the list into county jury lists for use by the counties, if they opt in to do so. Juries are made up of residents in the counties where the juries serve. It amends six different statutes, but §2-206 and §2-207 are where the most substantial changes are reflected. He stated several counties have expressed an interest in the system.

In answer to questions from the Committee, **Mr. Spillman** explained the lists compiled by the Idaho Supreme Court through the Odyssey system are pulled from the same types of information that counties use to create their jury lists. He said the county lists will only include county residents in the county where the jury list applies. This bill allows the courts to take advantage of efficiencies already built into the Odyssey system and provide extra functionality such as text capability for jury reminders. He reiterated the program would be voluntary and counties that choose to opt-in may also opt-out in the future. He was not familiar with whether the system had the functionality to identify voter fraud.

**MOTION:** **Rep. Amador** made a motion to send **S 1134** to the floor with a **DO PASS** recommendation.

Speaking to the motion, **Rep. Amador** stated it's not always easy to manage data at a small county level. Some counties are asking for this and as people move from county to county this system can help. It also takes advantage of a significant investment the state has already made.

**Reps. Marshall and Ehardt** spoke **in opposition** to the motion. They stated the role of assembling jury lists has long been the responsibility of the counties. They are doing a good job and there may be unknown consequences.

In answer to questions from the Committee, **Mr. Spillman** stated he was unable to enumerate the cost savings to counties because every county is different. Some have not had a jury trial in years and other counties are calling juries on a regular basis. It can be assumed there would be some level of cost savings for those counties. He clarified this legislation does not change the responsibilities of the county jury commissions, this merely allows them a source for pulling their jury lists. He said that jury lists compiled by the counties are currently open to the public.

**Reps. Troy, Hartgen, and Zollinger** spoke **in support** of the motion. Their comments included: this can support small counties who don't have the resources to easily compile jury list; the jury commissions for each county are still responsible for preserving the sacredness of the process; it has the potential to provide more accurate and up-to-date lists and can avoid calling jurors who are deceased; it can financially save the counties money; and it's voluntary.

**VOTE ON MOTION:** **Chairman Dayley** called for a vote on the motion to send **S 1134** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Marshall and Ehardt** requested to be recorded as voting **NAY**. **Rep. Hartgen** will sponsor the bill on the floor.

**S 1093:** **Seth Grigg**, Idaho Association of Counties presented **S 1093**. Many counties have established pretrial release supervision programs to monitor people on pretrial release. This legislation codifies existing pretrial release supervision programs, establishes parameters for the establishment of pretrial supervision fees, and establishes that pretrial release supervision fees are to be collected by the clerk of the court. Sometimes there are conditions such as drug/alcohol testing or monitors that are placed on defendants while they are awaiting trial. Thirty counties offer pretrial release programs. Ten counties have established pretrial release program fees. He walked through the specifics of the bill which address the priority of payments in the court's Odyssey system and how fees will be applied. Mr. Grigg stated that defendants who are found not guilty will not be required to pay fees for their services. The legislation also allows counties the option of allowing offenders to pay the fees for services such as electronic monitors and drug or alcohol testing to the clerk of the court, or directly to the service providers.

**MOTION:** **Rep. Gannon** made a motion to send **S 1093** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Gannon** will sponsor the bill on the floor.

**S 1116:** **Seth Grigg**, Idaho Association of Counties presented **S 1116**. This bill corrects a technical error in the distribution language in Idaho Code §23-404. This law states how liquor funds are distributed. In 2018, the distribution to cities and counties was amended to allocate a portion of their funds to the Magistrate division of the district court. The technical error has prevented a portion of these funds from being distributed by the liquor division. It also includes an emergency clause to allow funds already dedicated to the magistrate district courts to be distributed.

**MOTION:** **Rep. Chaney** made a motion to send **S 1116** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Ehardt** will sponsor the bill on the floor.

**S 1122:** **Seth Grigg**, Idaho Association of Counties presented **S 1122**. Currently there is not a statutory fee for juvenile probation supervision, and yet they can be placed on probation for up to three years. Some counties have collected the court ordered fees through the court's Odyssey system, but effective June 2019, Odyssey will no longer be configured to allow court ordered juvenile probation fees to be collected. As a result, the counties would be required to create new tracking and collection portals outside of Odyssey. This bill establishes a statutory juvenile probation supervision fee and it specifies that revenues from these fees are to be used exclusively for county juvenile probation services.

**MOTION:** **Rep. Troy** made a motion to send **S 1122** to the floor with a **DO PASS** recommendation.

**Dawn Burns**, Director, Juvenile Court Services for Ada County, yielded to a question from the Committee. She stated when juveniles are ordered to pay for their supervision fees, it is done with the understanding that the parent or guardian is responsible for this if the juvenile is unable to pay. She explained the judge has oversight to determine what is fair and works with the juvenile to establish a plan.

**VOTE ON MOTION:** **Chairman Dayley** called for a vote on the motion. **Motion carried by voice vote.** **Rep. Gannon** will sponsor the bill on the floor.

**S 1123:** **Seth Grigg**, Idaho Association of Counties presented **S 1123**. Idaho law allows the Idaho Supreme Court to work with the State Tax Commission to intercept eligible state income tax returns from those owing debts to any of Idaho's courts. The provisions do not apply to infractions or debts less than \$50. This legislation amends this by allowing tax intercepts on any debts owed to the courts, including civil and juvenile debts. This change will assist the courts in collecting fines and fees that are legally owed to the courts. In answer to a question from the Committee, Mr. Grigg said there is a cost to the court, but the revenue is expected to offset the costs. He also said the Tax Commission is aware of and onboard with this legislation.

**MOTION:** **Rep. Amador** made a motion to send **S 1123** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Amador** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 2:23 p.m.

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Representative Dayley  
Chair

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Wendy Carver-Herbert  
Secretary