

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Wednesday, March 15, 2017

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

**PLACE:** WW 54

**MEMBERS PRESENT:** Chairman Lodge, Vice Chairman Lee, Senators Davis, Hagedorn, Anthon, Agenbroad, Foreman, Burgoyne, and Nye

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Lodge** called the meeting of the Senate Judiciary and Rules Committee to order at 1:22 p.m.

**Chairman Lodge** announced that the agenda will be taken in a different order than printed due to conflicting committee appearances by some of the presenters.

**H 202** **Relating to civil forfeitures. Senator Grant Burgoyne** requested that **H 202** be sent to the 14th Order for amendment. He emphasized that the amendments have been agreed upon by the following stakeholders:

- Idaho Peace Officers Standards and Training;
- State Controller;
- American Civil Liberties Union;
- Idaho Sheriff's Association;
- Idaho State Police;
- Idaho Freedom Foundation; and
- Idaho Association of Criminal Defense Lawyers.

**Senator Burgoyne** reviewed the history of the civil forfeiture law, originally enacted in the 1960s. He mentioned that although surrounding states have updated their civil forfeiture laws, Idaho has not done so. He stated that **H 202** would update the law as appropriate for Idaho. **Senator Burgoyne** then explained the changes covered in **H 202** and possible amendments to address prior points of opposition. He reminded the Committee that there had been concerns expressed by some of the stakeholders, but that those issues have been resolved and consensus has been reached by the interested parties.

**TESTIMONY:** The following gave testimony supporting the bill:

- Carlyn Ward, Idaho Freedom Foundation (attachment 1);
- Elisa Massoth, President, Idaho Association of Criminal Defense Lawyers;
- Kathy Griesmyer, American Civil Liberties Union (attachment 2); and
- Michael Kane, Idaho Sheriff's Association, also representing the Idaho State Police and the Idaho Chiefs of Police Association.

The testimony indicated agreement with the amendments and the withdrawal of previous opposition.

There was no testimony in opposition to the bill.

**MOTION:** **Senator Davis** moved to send **H 202** to the **14th Order** for amendment. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.

**S 1154** **Relating to obtaining and retaining confidential criminal justice information.** **Victor McCraw**, Division Administrator, Peace Officer Standards and Training (POST), stated the POST Council (Council) has a statutory responsibility to ensure that all individuals certified as police officers within the State meet all requirements of the Council, including to be free of any disqualifying misdemeanors or any felonies. **S 1154** will give the ability to check or recheck criminal histories being run on police applicants to ensure they meet the minimum requirements.

**Senator Davis** moved to send **S 1154** to the floor with a **do pass** recommendation. **Senator Foreman** seconded the motion. The motion passed by **voice vote**.

**MINUTES APPROVAL:** **Approve minutes of February 1, 2017.** **Senator Nye** moved to approve the minutes of February 1, 2017. **Senator Agenbroad** seconded the motion. The motion passed by **voice vote**.

**Approve minutes of February 20, 2017.** **Senator Burgoyne** moved to approve the minutes of February 20, 2017. **Senator Anthon** seconded the motion. The motion passed by **voice vote**.

**Approve minutes of February 22, 2017.** **Senator Agenbroad** moved to approve the minutes of February 22, 2017. **Senator Burgoyne** seconded the motion. The motion passed by **voice vote**.

**Chairman Lodge** noted that Senator Brackett had not arrived to introduce **RS 25548**, so his legislation will be considered at a later time.

**ADJOURNED:** There being no further business at this time, **Chairman Lodge** adjourned the meeting at 1:43 p.m.

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Chairman Lodge  
Chair

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Carol Cornwall  
Secretary