

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, March 17, 2017

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Kathy Griesmyer; ACLU; Ian Thompson, Idaho Association of Criminal Defense Lawyers; Paul Cassell, self; Jayk Reynolds, self; Lauren Busdon, self; Ashlee Berk, self; Sheriff Donahue, Canyon County; Holly Koole-Rebholtz, Ada County Prosecutors; Sandy Jones, Parole Commission; Natalie Marti, self; Sarah Busdon, self; Marissa Lovey, self; Lynda Breen; self; Amanda Watson, self; Dennis Stevenson, Office of Administrative Rules Coordinator; Sara Westbrook, self; Michael Bartlett, Idaho Association of Criminal Defense Lawyers.

Chairman Loertscher called the meeting to order at 8:31 a.m.

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the March 3, 6, 8, 9, 13 and 14, 2017 meetings. **Motion carried by voice vote.**

RS 25434: **Dennis Stevenson**, Administrative Rules Coordinator, presented **RS 25434**, legislation that continues certain administrative rules in full force and effect until July 1, 2018.

MOTION: **Rep. Harris** made a motion to introduce **RS 25434** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Harris** will sponsor the bill on the floor.

RS 25520: **Rep. Crane** presented **RS 25520**, proposed legislation that adds a new Rule 78 to the House Rules, to provide a procedure for contested elections. He stated there will be two other bills coming forward from the Senate and a Joint Rule to cover all bases of the issue.

MOTION: **Rep. Monks** made a motion to introduce **RS 25520**. **Motion carried by voice vote.**

H 184aaS: **H 184aaS** was brought before the committee again for consideration of the Senate amendments.

MOTION: **Rep. Monks** made a motion to concur with the amendments made in the Senate to **H 184aaS**. **Motion carried by voice vote.** **Rep. Monks** will sponsor the bill on the floor.

SJR 103: **Senator Lakey** presented **SJR 103**, a joint resolution that proposes an amendment to Section 22, Article I of the Idaho Constitution, relating to the rights of crime victims. It states the question to the electorate, "Shall Section 22, Article I, of the Constitution of the State of Idaho be amended to provide equal rights to victims of crimes including the right to notification of court proceedings, reasonable protection from the accused, and a voice in the criminal justice process?" It directs Legislative Council to prepare statements required by Section 67-453, Idaho Code, and file the same, and directs the Secretary of State to publish the proposed amendment and arguments as required by law.

In response to committee questions, **Sen. Lakey** stated crime victims have a right to seek restitution but the judge sets that amount, if any. He stated the "reasonableness" standard referenced in the bill would be established by the court. He also stated the harm that victims suffer deserves a constitutional protection, which has more permanency and they deserve to have a voice in the process. He stated the bill does not ask for special programs, local governments already provide services for crime victims. In regards to entities being crime victims, he stated entities are already defined in Idaho Code and the bill does not change that. He also stated the new definition of "crime victim" refers to a victim who was directly and proximately harmed by the commission of certain crimes and both standards must be met in order to meet the terms of the definition.

Lauren Busdon, representing herself, spoke **in support** of **SJR 103** and stated she is a crime victim and during the criminal court proceedings the defendant was given his afforded rights but his victims had little to no rights in the process, including notification of bail hearings, other hearings and a dedicated or available area for victims to wait, so as to keep them separate from the defendant. She stated she felt like she was being further victimized during the process because her rights were not as important to the court as the defendant's. **Jayk Reynolds**, representing himself, spoke **in support** of **SJR 103** and stated he is a crime victim and as he went through the court process following the defendant, he found he did not have a voice, only a story. **Ashlee Berk**, representing herself, spoke **in support** of **SJR 103** and stated she is a crime victim and was not notified of the defendant's hearings and feared for her and her family's safety. She stated that type of information is critical and time-sensitive. She stated there are many rights afforded to defendants and very few for victims. **Sarah Busdon**, representing herself, spoke **in support** of **SJR 103** and stated her daughter is a crime victim and during the court proceedings the victim's family was not notified of the defendant's hearings, which would have given them an opportunity to speak to the judge about lowering the defendant's bail amount, which allowed for the defendant to be released.

Kathy Griesmyer was called on to give testimony but deferred her time to **Richard Eppink**, Legal Director, ACLU, who spoke **in opposition** to **SJR 103**. He stated victims get treated differently but a constitutional amendment is not the correct way to solve the problem because it is difficult for the legislature to make amendments if there are issues with the language further down the road. He stated the bill is missing clarification on victim's rights afforded to everyone regardless of age, creed, sex, religion, race, etc.

In response to committee questions, **Mr. Eppink** stated the changes in the language as proposed by the bill has not been tested in statute yet which could lead to unintended consequences.

Chairman Loertscher called a recess of the committee at 10:21 a.m.

Chairman Loertscher reconvened the meeting at 11:13 a.m. and announced that due to time constraints, **SJR 103** will be carried over to the meeting of March 20, 2017 at 8:30 a.m.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 11:17 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary