

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Monday, January 29, 2018
TIME: 1:30 P.M.
PLACE: Room EW42
MEMBERS: Chairman Luker, Vice Chairman Malek, Representatives Perry, Dayley, McDonald, Cheatham, Kerby, Nate, Chaney, Amador, Hanks, Zito, Zollinger, Ehardt, Gannon, McCrostie, Wintrow

**ABSENT/
EXCUSED:** None

GUESTS: Rebecca Lemmons, Corey Surber, Saint Alphonsus; Nancy Volle, SOMB; Mike Kane, ISA; Phil Haunschild, IFF; Maria Kennedy, ACLU; Adrian Carener, Mosaic Advisors

Chairman Luker called the meeting to order at 1:32 p.m.

RS 25826: **Rep. Harris** presented **RS 25826**. This legislation is brought forward with bi-partisan support. It also is supported by a number of stakeholders. It changes the current code regarding certain property that is subject to forfeiture. It also addresses replevin of property, forfeitures that are proportionate to alleged crime, absolves innocent owners of costs associated with seizure, gives law enforcement an option to retain property with judicial approval and establishes reporting requirements.

MOTION: **Rep. McCrostie** made a motion to introduce **RS 25826**. **Motion carried by voice vote.**

RS 25856: **Rep. Amador** presented **RS 25856**, which provides an exemption from the criminal act of indecent exposure for the act of breastfeeding and/or the expression of breastmilk for the purpose of feeding a child. Rep. Amador explained Idaho is the only state that does not provide protections to breastfeeding mothers, despite the tremendous nutritional and health benefits to children.

MOTION: **Rep. Wintrow** made a motion to introduce **RS 25856**. **Motion carried by voice vote.**

H 379: **Chad Houck**, Deputy Secretary, Secretary of State presented **H 379**. This bill amends Title 30 by changing the number of required signatures needed when filing articles of incorporation for a nonprofit corporation. Changes to the law will make it consistent with filing requirements for corporations.

MOTION: **Rep. Perry** made a motion to send **H 379** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Zito** will sponsor the bill on the floor.

Nancy Volle, Program Manager, Sexual Offender Management Board (SOMB) provided an overview of the board's accomplishments and plans for the upcoming year. SOMB is an independent, 11-member policy board that oversees statewide sexual offender management policies and standards for the evaluation and treatment of sex offenders. Last year, the board developed a certification process for evaluators, treatment providers and polygraph examiners. Key training was provided to evaluators, treatment providers and POs throughout the state, at no cost to the participants. The board plans continued refinement of the audit tool for evaluators, followed by treatment providers and polygraph examiners. Education and training for all certified providers will continue, with course development based on the surveyed needs of participants.

Chairman Luker turned the gavel over to **Vice Chairman Malek** for presentation of the administrative rules.

**DOCKET NO.
57-0101-1701:**

Nancy Volle, Program Manager, Sexual Offender Management Board presented the pending rule which removes references to the Association for the Treatment of Sexual Abusers (ATSA) from sections of this docket. These changes are due to Idaho's philosophical differences regarding the use of certain evaluation and treatment methods for sexual offenders. In response to questions from the Committee, Ms. Volle stated the use of polygraphs is one area of difference. Based on a survey of the state's treatment providers, all but one believe the use of this tool is effective but ASTA now supports only limited use of polygraphs. By removing ASTA from the board's rules, Idaho's treatment providers are not bound to adhere to ASTA's standards, providing latitude that is in keeping with Idaho practices.

MOTION:

Rep. Wintrow made a motion to approve **Docket No. 57-0101-1701. Motion carried by voice vote.**

Vice Chairman Malek turned the gavel over to **Chairman Luker**.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 2:02 p.m.

Representative Luker
Chair

Wendy Carver-Herbert
Secretary