

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Monday, February 05, 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: Holly Koole, IPAA; Carrie Maulin, House of Representatives
Chairman Luker called the meeting to order at 1:30 p.m.

MOTION: **Rep. Wintrow** made a motion to approve the minutes of January 29, 2018. **Motion carried by voice vote.**

RS 26034: **Carrie Maulin**, Chief Clerk of the House of Representatives presented **RS 26034**, which amends Joint Rule 16 of the Idaho Senate and Idaho House of Representatives. It deletes specific times that the Senate and House Chambers must be open. The hours listed in the current rule do not comport with the actual hours for the State House. Following questions from the Committee, Ms. Maulin confirmed the Department of Administration manages the hours for the Capitol, but the department doesn't set them. Under the listed hours, it requires an additional shift for security and it was determined that people who need access to get in during off hours should have the security badges to do so. By making the rule more general, the hours can be changed, but the rule doesn't need to be amended.

MOTION: **Rep. McDonald** made a motion to introduce **RS 26034**. **Motion carried by voice vote.**

RS 26049: **Carrie Maulin**, Chief Clerk of the House of Representatives presented **RS 26049**, which amends Rule 58 of the Idaho House of Representatives to clarify the process for using the House Chambers. In response to questions from the Committee, Ms. Maulin clarified the process of setting up public tours through the Department of Administration won't change.

MOTION: **Rep. McDonald** made a motion to introduce **RS 26049**. **Motion carried by voice vote.**

RS 25964: **Seth Grigg**, representing the Idaho Association of Counties, presented this proposed legislation to amend the amount of time a county needs to retain records, specifically as it pertains to video and audio recordings. The legislation adds language that sets minimum retention times based upon the evidentiary value of the digital media file. Upon questioning from the Committee, Mr. Grigg explained the intent of this RS is to create a new category for handling video/audio recordings. The law, as currently written, is a barrier for counties to move forward with implementing body camera programs because the burden for retaining mass amounts of data for the required two years is cost prohibitive.

MOTION: **Rep. Kerby** made a motion to introduce **RS 25964**. **Motion carried by voice vote.**

RS 25988: **Rep. Amador** presented this proposed legislation, which provides an exemption from public record disclosure for persons reporting crimes of child abuse, neglect or abandonment unless the party consents to disclosure, or the identity is required for administrative or judicial proceedings. The intent is to encourage reporting without fear of retaliation. Following questions from the Committee, Rep. Amador said an attorney would be available during the bill hearing to answer questions about this impact on civil law. However, care was taken in drafting the RS to allow for the release of protected records for appropriate proceedings.

MOTION: **Rep. Malek** made a motion to introduce **RS 25988. Motion carried by voice vote.**

Paul Jagosh, Detective Brian Holland and Detective Dave Harris, representing the Fraternal Order of Police provided an overview and update on gangs in Idaho. Today there approximately are 400 known gang members and 55 documented gangs in the state. Several key gangs were categorized and described. They ranged from the most notorious, to the most violent, to the less known, but still very concerning. Most of the gangs and activities described are from Boise and the greater Treasure Valley, but it was emphasized that gang activity is taking place throughout the state. In fact, small communities can be attractive to gangs as there tends to be little, to no, resistance to their activities until problems and menacing becomes more known. Unfortunately, by the time gang activity reaches that point, it is significantly more difficult to combat. According to Det. Holland, "once a gang takes a territory, there is virtually no way to take it back." He provided several examples of Northwest cities where the gang activity is reaching crisis levels. The Legislature's previous action in clearly defining what constitutes a "Criminal Street Gang" has greatly helped efforts to combat gang activity in the state. Continued work to create policies that make it less attractive for gangs to set up in the state is needed. In response to questions from the Committee, Det. Holland said one of the most effective things a community can do to combat gangs is to provide good programs for youth. He mentioned, Boys and Girls Clubs as a program example that can keep youth busy, provide better purpose and ultimately deter young people from being recruiting targets. Drugs/narcotics; pandering, prostitution and human trafficking; and guns are the three drivers of gang activity. Approximately 75% to 80% of gang activity is drug related; as it is the biggest money maker. Boise, Nampa and Caldwell have gang units, but other communities could benefit from having dedicated law enforcement resources to the issue. The Idaho Criminal Intelligence Center (Fusion) is proving to be very helpful in gathering actionable information to fight gangs and terrorism, but it is underfunded and staffed. When asked about efforts to eliminate mandatory minimums and the possible effect on gang activity, Mr. Holland said gangs need boundaries. Even though they will push those boundaries, they tend to work within them. If it makes it less attractive to do business here, then having a ceiling is good.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:07 p.m.

Representative Luker
Chair

Wendy Carver-Herbert
Secretary