

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, January 21, 2020
TIME: 1:30 P.M.
PLACE: Room EW42
MEMBERS: Chairman Chaney, Acting Vice Chairman Monks, Representatives Kerby, Amador, Zito, Zollinger, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Wintrow, Davis
ABSENT/EXCUSED: Chairman Chaney, Representative(s) Davis, Amador
GUESTS: Barry Wood, ISC; John Lothspeich, Annie McDevitt, Dave Epis, Courts; Thomas Campbell, AFL-CIO; Nancy Volle, SOMB; Melinda Merrill, Idaho Bail Coalition; Brody Aston, Westerborg Assoc.; Hollie Lawrence, Avery Robinson, LSO

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

Judge Barry Wood, Senior Judge, Administrative Office of the Courts, introduced the panel of Magistrate Judges. The germane committees requested the courts come each year to review previously approved programs.

Judge David Epis, Magistrate Judge, Fourth Judicial District, presented on the history and objectives of the judge's mentor program and judicial performance evaluations. He stated the goal is to maintain a better trial bench and help users of the courts through measurable and meaningful objectives and outcomes. The performance evaluations occur every three years; identifying areas in need of improvement make the judges better public servants. He thanked the Legislature for their funding and support.

Judge Annie McDevitt, Magistrate Judge, Fourth Judicial District, presented on education for new judges. There is a big percentage of new judges, so the focus on mentoring and training is critical. The goal of new judge training is to ensure fair due process and impartial resolution of cases. Instructors are judges throughout the state. She discussed available conferences on topics including drug and mental health courts, children and families and domestic violence. She noted the judicial performance evaluations may identify an area where more training is needed and there are funds available to send judges to such conferences.

In response to Committee questions regarding Odyssey, **Judge McDevitt** stated it is extremely efficient and eliminates the need for transporting volumes of records for court use. She acknowledged concerns about taking the concerns of practitioners into consideration.

Judge John Lothspeich, Magistrate Judge, Fifth Judicial District, presented on the challenges of civil commitments. He discussed involuntary holds and the lack of psychologist examiners. He stated jails may not be used to hold mentally ill patients, even temporarily, and there is a significant and reoccurring problem with bed availability in state facilities. Over the last five years there has been a large increase in mental commitments. He noted Idaho has a very high suicide rate; St. Luke's was awarded a federal grant to do a suicide study. He discussed Assisted Outpatient Treatment and its benefits, including cost savings.

In response to Committee questions, **Judge Lothspeich** noted counties are responsible for ensuring the initial treatment is followed. He stated his support as a judge for programs and policies that help prevent people with mental illness from reentering the court system.

DOCKET NO. 57-0101-1900F: **Nancy Volle**, Program Director, Sexual Offender Management Board (SOMB), presented Omnibus **Docket No. 57-0101-1900F**. She stated this docket eliminated an outdated rule.

MOTION: **Rep. Wintrow** made a motion to approve **Docket No. 57-0101-1900F**. **Motion carried by voice vote.**

DOCKET NO. 57-0101-1901: **Nancy Volle**, Program Director, Sexual Offender Management Board (SOMB), presented **Docket No. 57-0101-1901**. She gave an overview of SOMB; it is an eleven member board that is separate from the Idaho Department of Correction. This rule streamlines processes, creates a quality assurance process for polygraph examiners and updates incorporated by reference documents.

In response to Committee questions, **Ms. Volle** explained a typical treatment plan; the provider is required to submit a template of their treatment plan, but makes decisions based on their own recommendations. SOMB does have oversight of providers and their work product is reviewed as part of the quality assurance process. This rule also allows providers to seek an extension of time to complete their continuing education, without delaying their renewal application. Ms. Volle noted SOMB plans to continue discussions about the provider certification process to make it more accessible, while preserving the quality of service.

MOTION: **Rep. Kerby** made a motion to approve **Docket No. 57-0101-1901**. **Motion carried by voice vote.**

RS 27275: **Rep. Hartgen** presented **RS 27275**, which repeals the Electronic Reporting Commission; its functions will be carried on by the Secretary of State. There is no fiscal note because the Commission's business occurred when the members were already in Boise attending conferences.

MOTION: **Rep. Kerby** made a motion to introduce **RS 27275**. **Motion carried by voice vote.**

RS 27240: The sponsor requested to hold **RS 27240** for future consideration.

RS 27276: **Rep. Ricks** presented **RS 27276**, which removes a reference to an unknown department in the section of code related to marriage licenses.

In response to Committee questions, **Rep. Ricks** clarified this does not change the requirements to obtain a marriage license.

MOTION: **Rep. Wintrow** made a motion to **introduce RS 27276**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 2:52 p.m.

Representative Monks
Chair

Wendy Carver-Herbert
Secretary