

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Thursday, January 27, 2022

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Chaney, Vice Chairman Hartgen, Representatives Kerby, Amador, Ehardt, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, Ruchti, Nash

**ABSENT/
EXCUSED:** Rep. Ehardt

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

Vice Chairman Hartgen called the meeting to order at 1:31 p.m.

RS 29284: **Rep. Furniss** presented **RS 29284** saying most of Idaho's law enforcement front-line workers are eligible for the PERSI Rule of 80 retirement system. The exception is Idaho's emergency dispatchers, who are not eligible to retire until they have reached the Rule of 90 within PERSI. The requirements for "Emergency Communications Officer" are very similar to the law enforcement personnel they support and require those working in that role to be POST certified. Their work is essential to the law enforcement officers whom they support. They submit to complete background checks and are expected to work non-traditional hours and irregular shifts. This proposed legislation would make "Emergency Communications Officers eligible for the PERSI Rule of 80.

In answer to Committee questions, **Rep. Furniss** said other categories of law enforcement support are not included in this request; this proposed legislation will only add dispatchers.

MOTION: **Rep. Chaney** made a motion to introduce **RS 29284**.

SUBSTITUTE MOTION: **Rep. Scott** made a substitute motion to return **RS 29284** to the sponsor. Speaking to the motion, Rep. Scott said that because the Judiciary, Rules and Administration Committee does not have expertise on PERSI, this proposed legislation isn't appropriate in this committee and should be returned to the sponsor for the opportunity to go through a proper committee review.

The Committee discussed concerns about this committee introducing this bill, but this committee has introduced other bills like this. It was determined that the committee could introduce the bill and then it could be directed to a more germane committee.

MOTION WITHDRAWN: **Rep. Scott** asked for unanimous consent to withdraw the substitute motion. There being no objection, the motion was withdrawn.

VOTE ON MOTION: **Motion carried by voice vote.**

Vice Chairman Hargten turned the gavel over to **Chairman Chaney** at 1:47 p.m.

RS 29153: **Rep. Erickson** presented **RS 29153** saying this proposed legislation eliminates fees for children, parents, and guardians involved in the juvenile justice system. Currently, Idaho law allows children to be assessed fees exceeding thousands of dollars per case even though the juvenile justice system is meant to be restorative and rehabilitative. The current practice of assessing and collecting fees routes much of the energy of the system employees to tracking and collecting fees instead of the mission of restoration and rehabilitation. This does not remove the ability to assess fines or victim restitution.

MOTION: **Rep. Kerby** made a motion to introduce **RS 29153**. **Motion carried by voice vote.**

RS 29204: **Rep. Troy** presented **RS 29204** saying that following the 2009 renovation of the Capital, the hallways and restrooms in the Garden Levels were not officially added to Idaho Code section 67-1602 defining them as "public space." This proposed legislation corrects this oversight.

Rep. Troy said this puts the halls and restrooms in the same category as the rotunda in response to a Committee question.

MOTION: **Rep. McCrostie** made a motion to introduce **RS 29204**. **Motion carried by voice vote.**

RS 29225: **Rep. Nash** presented **RS 29225** saying this legislation closes a quirky little loophole that could theoretically allow some crimes committed in the portion of 50 square miles of Yellowstone National Park located in Idaho to go unpunished. Yellowstone is included in the United States District Court for the District of Wyoming. Because no one lives in the portion of Yellowstone located in Idaho, no constitutionally legitimate jury could be seated to try a defendant prosecuted for a crime occurring there. This proposed legislation requests that Congress place the 50 square miles of Yellowstone located in Idaho under the jurisdiction of the United States District Court for the District of Idaho, closing the loophole.

In answering a Committee question regarding if this included federal crimes or state crimes, **Rep. Nash** said it addresses Idaho state crimes.

MOTION: **Rep. Hartgen** made a motion to introduce **RS 29225**. **Motion carried by voice vote.**

H 453: **Rep. Erickson** presented **H 453** saying the purpose of this legislation is to clarify diversion processes by moving the informal adjustment process from 20-511 in Idaho Code to 20-520, where all other post-petition options exist.

MOTION: **Rep. Amador** made a motion to send **H 453** to the floor with a **DO PASS** recommendation.

In answer to the Committee question regarding the appearance of some language in the bill being removed or added, **Director Prow**, Dept. of Juvenile Corrections explained there were some updates in the language, technical corrections and the movement of a process described in 20-511 to 20-520.

VOTE ON MOTION: **Motion carried by voice vote.** **Rep. Erickson** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 2:07 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary