

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Friday, February 24, 2017

TIME: 1:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Lee, Senators Davis, Hagedorn, Agenbroad, Foreman, Burgoyne, and Nye

ABSENT/ EXCUSED: Senator Anthon

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Lodge** called the meeting of the Senate Judiciary and Rules Committee (Committee) to order at 1:00 p.m.

MINUTES APPROVAL: **Senator Agenbroad** moved to approve the Minutes of February 10, 2017. **Senator Nye** seconded the motion. The motion carried by **voice vote**.

RS 25336 **Regarding forcible detainer. Senator Agenbroad** moved to send **RS 25336** to print. **Senator Nye** seconded the motion. The motion carried by **voice vote**.

RS 25294C1 **Regarding the Safe Routes to School Healthy Kids Program. Senator Agenbroad** moved to send **RS 25294C1** to print. **Senator Nye** seconded the motion. The motion carried by **voice vote**.

RS 25339C2 **Regarding commissioners on uniform laws. Senator Agenbroad** moved to send **RS 25339C2** to print. **Senator Nye** seconded the motion. The motion carried by **voice vote**.

S 1088 **Regarding DNA samples. Major Charlie Spencer**, Police Services, Idaho State Police (ISP), stated this legislation seeks to amend Idaho Code § 19-5506 and Idaho Code § 19-5507 to require registered sex offenders submit a DNA sample. He reported that although the DNA Database Act (Act), enacted in 2012, requires offenders convicted of a felony to submit a DNA sample, there are approximately 1,535 registered sex offenders who have not been required to provide DNA samples because they were registered in Idaho prior to enactment of the Act. This amendment provides an avenue to require those registered sex offenders to provide a sample, similar to those convicted in Idaho since 2012.

Major Spencer reported that each year approximately 300 offenders move into Idaho that are required to register as sex offenders in Idaho. However, because they were convicted in other states, they are not required to provide a DNA sample. This amendment would require that sex offenders who move into Idaho would be required to provide a DNA sample. He went on to share the details of the changes in the law. He emphasized that this legislation will assist law enforcement to identify previously unknown suspects and to close additional cases.

Major Spencer explained the fiscal impact of this legislation as determined by the ISP Forensics department. The cost analysis showed that to fully process a sex offender DNA sample, the cost is approximately \$100 per sample. The one-time cost for the current 1,535 offenders equals \$153,500, and the on-going cost is \$100 times the approximately 300 offenders moving into Idaho per year.

Senator Burgoyne asked whether Idaho currently charges convicted sex offenders for their DNA samples, and if we do, why we would not charge these individuals as well. **Major Spencer** deferred to Dawn Peck. **Dawn Peck**, Manager, Bureau of Criminal Identification, Idaho State Police, and Administrator, Central Sex Offender Registry, responded the fee offenders pay when they register annually do not cover the cost of the DNA collection. Those fees are for the Sheriffs' departments to defray their costs of registering the offenders and to assure the departments are in compliance with the statute.

Senator Davis inquired if there is a statutory process in place for an individual on the sex offender registry to come off the registry. **Ms. Peck** affirmed that there is a judicial process whereby offenders may appeal to have their duty to register rescinded after a ten-year period. **Senator Davis** asked if there is a statutory process in place now or in this bill whereby the DNA sample would be destroyed when an individual comes off of the registry. **Ms. Peck** replied that she was not aware of any process; she deferred to Matthew Gamette, Lab Director, Forensics Services. **Matthew Gamette** indicated that Cyndi Hall, Lab Improvement Administrator, Forensics Services, would be able to answer the question. **Cyndi Hall** commented that the DNA statute currently has provision for an individual to have his/her DNA sample destroyed. The process requires petitioning the court to have the sample removed. The lab determines if there are any qualifying offenses which would require DNA collection. If there are no other offenses, the sample is destroyed. **Senator Davis** asked if that process would be impacted by the passage of **S 1088**. **Ms. Hall** indicated that it would not be impacted. **Senator Davis** queried if that would be true even if they had been convicted in another state. **Ms. Hall** replied that it would still be the case.

Senator Hagedorn asked what the longest time is that an offender has been on the registry. **Dawn Peck** answered that the initial sex offender law in Idaho went into effect in 1993. No one registered prior to that, so the longest would be 23 years because some are still on who registered at that time. **Senator Hagedorn** asked if they have been on the registry that long and have not reoffended, what is the necessity of asking for a DNA sample. **Ms. Peck** explained that the intent is to have all registered offenders treated equally.

MOTION: **Senator Davis** moved to send **S 1088** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion passed by **voice vote**.

S 1108 **Regarding Judges' salaries.** **Sara Thomas**, Administrative Director of the Courts, informed the Committee that this bill provides a base increase for all judicial officers in the amount of \$3,200, and restores appropriate salary differentials between judges and justices serving at different levels of the judiciary. She explained how the normal variation in salaries became unbalanced, and delineated the changes this bill makes in order to restore that balance. **Ms. Thomas** noted that this is a negotiated bill.

Senator Lee noted she had a conflict of interest pursuant to Senate Rule 39(H), but intended to vote.

Senator Lodge noted she had a conflict of interest pursuant to Senate Rule 39(H), but intended to vote.

MOTION: **Senator Nye** moved to send **S 1108** to the floor with a **do pass** recommendation. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

Senator Davis explained that compensation for judges must be set by statute. Consequently, every year this section of code is amended. The Court has been asked to maintain a 3 percent or less increase in compensation and they have done that.

Senator Burgoyne commented that judges are drawn from attorneys who can make a comfortable living in the private sector. He believed this bill supports a reasonable level in compensation to keep dedicated judges on the bench.

ADJOURNED: There being no further business at this time, **Chairman Lodge** adjourned the meeting at 1:25 p.m.

Senator Lodge
Chair

Carol Cornwall
Secretary