

MINUTES

## HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

**DATE:** Friday, March 15, 2019

**TIME:** Upon Adjournment

**PLACE:** Room EW42

**MEMBERS:** Chairman Dayley, Vice Chairman Chaney, Representatives Kerby, Amador, Zito, Zollinger, Ehardt, Scott (Paterson), Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Wintrow, Davis (Goldman)

**ABSENT/  
EXCUSED:** Representatives Zollinger, Ehardt, Wintrow

**GUESTS:** Jason Spillman, Barry Wood, AOC/ISC

**Chairman Dayley** called the meeting to order at 12:42 p.m.

**S 1091aa:** **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, Idaho Supreme Court presented **S 1091aa**. The commitment process of a proposed mentally ill person requires an examination and evaluation by two designated examiners and at least one must be a psychiatrist, physician, or psychologist. This legislation allows a petitioner seeking to commit a proposed mentally ill person a continuance of the commitment hearing. At times it is impossible to obtain a second designated examiner within the statutory time frames. The continuance must be based on good cause. Under current law, the petitioner is not able to file for a continuance and if the second evaluation is not completed within the statutorily required time frame, the case is dismissed even if the proposed patient still meets the criteria for commitment. This forces the petitioner to file again and the process begins all over again, delaying treatment. Mr. Spillman explained the Senate amended the amount of time for a continuance from 14 days to five days.

**Chairman Dayley** pointed out the Statement of Purpose (SOP) still said the continuance period was listed as 14 days. He said the Committee would work with **Mr. Spillman** to correct the SOP to reflect the same continuance period as reflected in the amended bill.

**MOTION:** **Rep. Goesling** made a motion to send **S 1091aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gannon** will sponsor the bill on the floor.

**S 1023:** **Rep. Young** presented **S 1023**. This legislation changes the law to include certain employees of the Department of Parks and Recreation to the list of personnel covered under I.C. §18-915. This section of code relates to punishments for assault and battery and came about as a result of a constituent request.

**Sen. Johnson** further explained **S 1023** and answered questions from the Committee. He stated the issue arose last summer when a parks employee was trying to enforce park regulations and was assaulted. The case was dismissed because parks employees are not covered under this section of Idaho code. He said Department of Water Resources employees are covered. The Director of the Department of Parks and Recreation can delegate authority to employees to enforce State and park regulations and cite non-compliance. Employees attend non-certified training at the Peace Officers Standards and Training academy. Sen. Johnson clarified this legislation covers State Parks and Recreation employees.

**MOTION:** **Rep. McCrostie** made a motion to send **S 1023** to the floor with a **DO PASS** recommendation.

Speaking **in support** of the motion, **Rep. Amador** stated these employees are tasked with the responsibility to issue citations and they could be in danger.

**Rep. Paterson** stated concerns about giving special protections to one class of citizens over others, especially if they don't wear a badge. Constitutionally, all rights are the same.

**VOTE ON MOTION:**

**Chairman Dayley** called for a vote on the motion. **Motion carried by voice vote.** **Rep. Young** will sponsor the bill on the floor.

**S 1133:**

**Sen. Lodge** presented **S 1133**. This legislation extends the sunset from 2019 to 2023 for the Criminal Justice Reinvestment Committee. This is an interim oversight committee comprised of members from both bodies of the Legislature. Its purpose is to monitor, study and guide analysis and policy development in all aspects of the criminal justice system. **Sen. Lodge** stated the committee was started in 2014 and it has made good progress in gathering data and starting to understand where reinvestment is most needed, but there is more work to be done.

**MOTION:**

**Rep. McCrostie** made a motion to send **S 1133** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McCrostie** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the Committee, the meeting adjourned at 1:20 p.m.

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Representative Dayley  
Chair

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Wendy Carver-Herbert  
Secretary