



Idaho Sheriffs' Association

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ISA Legislative Report #10 (final for session)
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The legislature went an extra half week to get necessary things done such as appropriations bills, etc. It's always a mystery to me as to why so many important topics such as road funding, tax relief and other complicated bills are done at the last minute rather than planned in an appropriate manner throughout the session. Oh well, legislation has always been a messy business and our form of government was not designed to be efficient. But at last, the session is over!

We fared well with the passage of our dispatch certification bill and military persons are residents for CWL purposes bill. We also convinced the legislature that bail agents shouldn't use inmates to assist their business as inmates can intimidate other inmates to use the bail bond business's service. Some other bills we supported are becoming law: a driver can reasonably speed to pass another vehicle, a four-bed secure treatment facility was funded as somewhat of a pilot program, and sex offenders moving to Idaho must provide a DNA sample for ISP's data base.

We worked on other bills and negotiated with their sponsors such as the civil forfeiture bill and garnishment bill. Both began with parts that were problematical to law enforcement, however they were changed to accommodate our concerns. Unfortunately, we lost a few such as rule of 80 for dispatchers and preventing terrorist from having their firearms rights restored after completing their sentence. Some legislators thought a person exercising their right to protest could be swept up and somehow be charged with terrorism. Go figure.

A special thanks to Mike Kane and the legislative committee for a job well done. Below is a detailed look at legislation of interest to the association this session.

Bills the Association Supported

[H0021](#) Amends I.C. 59-1303 to add certain persons including public safety dispatchers to rule of 80 Retirement. Printed and referred to Jud and Rules 1/20. **This bill was killed in committee on 2/9.**

[H0079](#) Amends existing law to provide that the right to ship, transport, possess or receive a firearm shall not be restored following certain felony convictions. Reported out of State Affairs Committee with a do pass on 2/10. Returned to committee on 2/16 with reservations by some legislators on the definition of terrorism and their thoughts that a person demonstrating could be

charged with terrorism and therefore lose their right to possess a firearm. **This bill died a quick death.**

[H0093](#) Concealed Weapon's License...authorizes military personnel to be residents of Idaho for purposes of the CWL statute. Printed 2/2 and referred to State Affairs. A small group of the committee wanted to amend the bill to allow any citizen to carry concealed inside city limits, but the majority of the committee disagreed. **Passed House and Senate on 3/23 and was forwarded to the Governor for his signature.**

[H0132](#) Motor Vehicle Maximum Passing Speed. This bill allows a vehicle to exceed the speed limit when passing under certain conditions. **Passed House and Senate and signed into law by the Governor on 3/20.**

[H0136](#) Prevents bail agents paying inmates for referrals. **Passed House and Senate on 3/23 and forwarded to Governor for his signature.**

[H0174](#) Law Enforcement media retention. Provides for minimum standards to keep media recordings which is necessary because currently we are required to keep everything a minimum of two years and this is not being followed by most jurisdictions. **Bill became bogged down with potential amendments that we believed were unreasonable so it was decided to hold the bill until next year.**

[H0187](#) Secure Treatment Facility. Establishes the Secure Treatment Facility Act regarding admission of patients into a secure treatment facility. Reported printed on 2/16 and referred to House Health and Welfare Committee. **This bill was held in lieu of HO222 which provides for four (4) secure beds...basically a pilot project.**

[HO222](#) Provides for four (4) secure mental treatment beds at the Southwest Idaho Treatment Center. **Passed House and Senate on 3/23 and forwarded to the Governor's Office for his signature.**

[S1083](#) This is the sheriff's premier bill this year. Amends and adds to existing law to provide standards of training, education and certification of emergency communications officers. Passed the Senate and House on 3/16. **Signed by the Governor on 3/27.**

[S1088](#) Provides that sex offenders are required to submit DNA samples including those moving into Idaho. **Passed the Senate and House on 3/22 and forwarded to the Governor for his signature.**

[SJR103](#) This bill replaces SJR101 and 102. **Passed the Senate and died in House State Affairs Committee. This bill amends victim's rights issues in the constitution and is named Marci's Law and sponsors said they will bring it back next year.**

Bills the Association Opposed

[H0110](#) Eliminates front license plate on vehicles that do not have front license plate brackets. Printed 2/6 and reported out of Transportation and Defense committee with a do pass recommendation on 2/7. **This bill was killed in committee on 2/9.**

[H0172](#) Civil Forfeitures. Amends existing law to revise what property is subject to forfeiture and under what conditions. Basically, this bill restricts law enforcement from seizing certain kinds of property without clarity on the nexus between the property and the crime. It also requires reporting annually to the State Controller's Office. Reported printed on 2/15 and referred to House Jud and Rules Committee. **House bill 202 was introduced on 2/23 to replace this bill.**

[H0173](#) Extraterritorial authority of peace officers. Amends existing law to allow peace officers to work outside their jurisdiction on cases that occur within their jurisdiction. Reported printed on 2/15 and referred to House Jud and Rules Committee. **The Idaho Chiefs of Police Association (ICOPA) agreed to hold this bill in order to work with sheriffs to find language agreeable to both chiefs and sheriffs and possible present a new bill next year.**

[HO202](#) [HO202aaS as amended](#). Civil Asset Forfeiture. This bill replaces HO172 and was amended to address our concerns. Allows for more transparency and a connection between seized property and the crime in question. **Passed House and Senate and forwarded to the Governor's Office for his signature.**

[S1071](#) Amends existing law to provide an exception regarding the visibility of license plates: bike racks, trailer hitch, wheelchair lift, trailer or cargo carrying device. Reported printed on 2/13 and referred to Senate Transportation Committee. **The bill died.**

Bills the Association Considered of Interest to Law Enforcement

HOUSE LEGISLATION

[H0123](#) Motorcycle Profiling. Adds to existing law that law enforcement shall not engage in motorcycle profiling. Passed the House and Senate Jud and Rules Committee with a do pass recommendation. It's currently on the third reading calendar (3/10). **Killed on Senate floor vote following a spirited debate on 3/15.**

[H0146](#) Sexual Assault Kit Retention. Amends existing law to provide that a victim of a sexual assault shall not be denied a medical examination and revises provisions for the retention of sexual assault evidence kits. **Passed House and Senate on 3/20 and forwarded to the Governor's Office for his signature.**

[H0178](#) Homicide-Heroin. Provides for a 2nd degree murder penalty for assisting in any way with a user who dies from the result of heroin. Reported out of Jud and Rules Committee with a do pass recommendation on 2/28. **House killed the bill on a 26-43-1 vote on 3/2.**

[HO179](#) Controlled Substance mandatory minimum sentence. Removes mandatory minimum sentences for trafficking in controlled substances and allows judicial discretion on a case by case basis. Reported printed on 2/15 and referred to House Jud and Rules Committee. **Bill died with no further action.**

[HO198](#) Prohibits cities and counties from obstructing federal immigration enforcement of adopting a policy of refusing to notify federal authorities when a person with an immigration warrant or detainer is in their custody. Printed 2/22 and referred to House State Affairs. **Dead.**

[HO211](#) Amends existing law to increase the invasive species sticker fee for the boats of nonresidents. **Passed the House and Senate and signed by the Governor on 3/27.**

[HO218](#) Amends existing law to revise apportionments from the Highway Distribution Account and to provide for a distribution to the Law Enforcement Fund for ISP. Printed 2/28 and referred to Revenue and Taxation. The bill was addressed in Committee on 3/2 however the sponsor, Representative Moyle requested the bill be held as he and others were working on changes to the proposal. **IAC took an oppose position because ISP funding under this proposal would have taken precedence over funds the counties receive potentially causing counties a loss of revenue. The bill died with no movement.**

SENATE LEGISLATION

[S1002](#) Amends I.C. 18-8007 which makes it a felony for one who has been involved in an accident to leave the scene if he knows or has reason to know that the accident resulted in injury or death. This provides that one who “believes” the accident resulted in injury or death and leaves the scene is guilty of a felony. Printed 1/16 and referred to Jud and Rules. **Dead.**

[S1019](#) Provides a penalty for a vehicle operator to disregard a school safety patrol member (student). Reported out of Education Committee with a do pass on 2/1. Passed Senate on 2/7 and referred to House Education. **Passed both Senate and House and signed by the Governor on 3/16.**

[S1076a](#) Clarifies language what specifies that an employee is protected from employer retaliation when participating or revealing information in an investigation, hearing, court proceeding, legislative or other inquiry. Printed 2/13 and referred to Commerce and Human Resources. **Following amendments passed Senate and House on 3/22 and referred to the Governor’s Office for his signature.**

[S1093](#) Makes it a felony to trespass when evading law enforcement. Reported printed and referred to Senate Jud and Rules Committee. **Passed Senate and referred to House Jud and Rules on 3/8. Sent to General Orders for amendment and returned to House on 3/22. Amended version passed House and Senate and forwarded to Governor’s Office for his signature.**

[S1105](#) Adds to existing law that failure to return rented equipment constitutes theft. Printed and referred to Jud and Rules Committee on 2/17. **Passed Senate and House on 3/22 and forwarded to the Governor’s Office for his signature.**

[S1109](#) Allows the Commission of Pardons and Parole to conduct certain business in executive session, including making decisions to grant or deny a firearm restoration application. **Passed Senate and House on 3/22 and referred to Governor's Office for his signature.**

[S1113](#) Clarifies the intent of the Justice Reinvestment Initiative in reducing recidivism in inmate populations, adds two members to the board to speed up hearings and eliminates current methods of graduated sanctions for parole/probation. **Passed Senate and House on 3/16 and signed by the Governor on 3/27.**

[S1154](#) Amends existing law to allow POST to obtain criminal background information on applicants. **Passed the Senate and House on 3/24 and forwarded to the Governor's Office for his signature.**

[S1202](#) Amends wage garnishment process and requires fees to be posted and transparent. **Passed Senate and House on 3/28 and forwarded to the Governor's Office for his signature.**