

**Idaho Criminal Justice Commission
Sexual Offenses Subcommittee
September 21, 2020**

Location: Idaho State Police District 3 Office 700 S. Stratford Dr. Meridian, ID **Time:** 2:00 p.m.–3:30 p.m.

Members Present:

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| Ashley Dowell, Chair, Idaho Comm. Pardon/Parole | Scott Grow, Idaho State Senator |
| Jared Larsen, Office of the Governor | Nancy Volle, Sex Offender Management Board |
| Louis Hougaard, Office of the Governor | Colleen Zahn, Criminal Chief, Office of the Attorney General |
| Erik Lehitnen, Deputy State Appellate Pub. Defender | John Dinger, Deputy Ada County Prosecutor |
| Carol Redding, Idaho State Police | Paul Jagosh, Fraternal Order of Police |
| Greg Chaney, Idaho State Representative | Melissa Wintrow, Idaho State Representative |

Members Not Present:

Others Present:

Kelli D Brassfield, IAC

| Agenda | | Due Date |
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| 2:00 pm | Call to Order | |
| | <ul style="list-style-type: none"> • Welcome and Roll Call | |
| | <ul style="list-style-type: none"> • Overview of Subcommittee Purpose <ul style="list-style-type: none"> ○ Adam Walsh Act Funding ○ Potential Legislation | <p>Purpose: The DOJ reached out to the Governor to let him know that Idaho was not in compliance to the Adam Walsh Act (Act). Idaho receives monies from the Byrne/Jag funding and because Idaho isn't in compliance to the Act, there is a 10% reduction the state receives. It is unknown where that money goes. ISP administers the Byrne/Jag funding.</p> <p>The Governor's office had a conversation to figure out what Idaho needs to do to become compliant. Idaho doesn't have the same tiered level of supervision that the federal government sets out in their standards. Lower level offenders have more supervision than those that are on the higher offenders list. This subcommittee will need to put together a recommendation to the full ICJC and then ICJC will possibly put a recommendation</p> |

together for the legislature to address any changes that need to be made. The Governor wants a recommendation from this group as to whether or not Idaho should comply with the Act. He doesn't have a position one way or the other.

The Sex Offender Management Board (SOMB) has been reviewing the sex offender registration system and the system is more confusing than they thought. SOMB has some ideas on moving to a risk-based system and are looking at a tiered system. SOMB would like to know what direction the ICJC would like to go.

The current system does not have tiers. Individuals are either registered or not. Quick references: [18-8304](#), Idaho Code, lists out the crimes. [18-8310](#), Idaho Code, lists qualifications for changes to terms of registration.

Idaho also does not list the address of the employer also which is part of the federal standards. The information is available but law prohibits sharing it. [18-8323](#), Idaho Code.

There are grants available from the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) to help the state become into compliance. This could help cover any costs.

Legislation:

There has been some discussion on [Title 18 chapter 15](#), Children and Vulnerable Adults. The crimes against children and crime committed by children are in the same chapter and some believe these should be separated. There has been some consideration to creating a definitions section as there isn't one now. The area between misdemeanor and felony to a child has some grey areas.

There are laws for misdemeanor sexual battery but they are lacking in enhancement. Enhancement would be on a second conviction within 5 years. [18-924](#), Idaho Code. Committee members could reach out to the original subcommittee and see what the members thought. It appears enhancing was on the initial draft but the legislature didn't have appetite for it.

State v. Bonner was ruled unconstitutional [18-1508 \(A\)](#) (d) – we could just remove (d). The same language is in [18-1506](#). These could be cleaned up to match the child pornography statutes.

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| | <ul style="list-style-type: none"> • Identify Topics for October Meeting | <ul style="list-style-type: none"> - Presentation on the requirements of the Adam Walsh Act or have DOJ present to the subcommittee. – Ashley, Jared/Louis - Presentation on the current qualifications for registration in Idaho. Overview of state law in regards to registration. – Carol, Colleen/<u>Patrick</u> - Attorney General’s office will look at the effect of Pardons and the registry. – Colleen - Overview of the SOMB - Nancy - Where does the Byrne/Jag funding go? – Jared/Adam |
| | <p>Adjourn- Next Scheduled Meeting, October 26, 2020 at 2:00pm</p> | |

