

Idaho Criminal Justice Commission
Sexual Offenses Subcommittee
 October 26, 2020

Location: WebEx/Idaho Association of Counties 3100 S Vista Ave #200, Boise, ID
Time: 2:00 p.m.–3:30 p.m.

Members Present:

Ashley Dowell, Chair, Idaho Comm. Pardon/Parole
 Scott Grow, Idaho State Senator
 Jared Larsen, Office of the Governor
 Nancy Volle, Sex Offender Management Board
 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
 Melissa Wintrow, Idaho State Representative
 Heidi Johnson, Deputy Ada County Public Defender

Members Not Present:

Louis Hougaard, Office of the Governor
 Greg Chaney, Idaho State Representative

Others Present:

Kelli D Brassfield, IAC
 Merritt Dublin, Lead Deputy Attorney General, ISP
 Patrick Denton, DAG, ISP

Minutes		Due Date
2:00 pm	Call to Order	
	<ul style="list-style-type: none"> • Welcome and Roll Call 	Meeting was called to order at 2:05 p.m.
	<ul style="list-style-type: none"> • Approve September minutes <ul style="list-style-type: none"> ○ ACTION ITEM 	There was a motion to approve the minutes from the September 2020 meeting by Erik Lehtinen and Paul Jagosh seconded. Motion carried.
	<ul style="list-style-type: none"> • Introduction of new subcommittee member Heidi Johnson 	Welcome to Heidi Johnson.

	<ul style="list-style-type: none"> • Overview of previous subcommittee work- <ul style="list-style-type: none"> ○ Erik Lehtinen • Legal overview of statutes and requirements – <ul style="list-style-type: none"> ○ Patrick Denton, DAG, Idaho State Police 	<p>There was a subcommittee back in 2013. Paul Panther was the chair at that time. State v. Jones was the reason for the subcommittee. The first order of business was to expand the rape statute to cover the gap. They also considered adding in some other items such as sexual battery. This was a new statute to cover other types of battery. i.e. touching of private areas without consent. The subcommittee initially included some enhancements that would make it a felony. When they went to the legislature 2016 the sexual battery piece did not make it through but the rape case changes did. The legislature did like the enhancements proposed. In 2017 the subcommittee was renamed and the issue they worked on was the sexual battery changes. The committee reviewed many different options.</p> <p>The sex offender registration laws are in Title 18 Ch. 83 and Ch. 84. The first registration laws went into effect in 1993. There was a major overhaul in 1998 to repeal and replace the Sex Offender Registration Notification and Community Right-to-Know Act (SORA) and the Juvenile Sex Offender Registration Notification and Community Right-to-Know Act (JSORA) and also to create the central sex offender registry in its current form. These changes can be found in S.B. 1297a and SB 1298.</p> <p>In 2011, S.B. 1154a gave the registry rulemaking authority, created requirements, plus more.</p> <p><u>What is the sex offender registry (SOR)?</u> SOR collects information from law enforcement (LE) and other govt. agencies, process information from offenders, store and maintain the registry, it is audited for accuracy and completeness of records, they expunge offender information from registry, plus more.</p>
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		<p>predator. A violent sexual predator is when offender was convicted of a specific enumerated sex offense, was a recidivist, or was convicted of violating the duty to register. The SOCB would consider a number of factors before the violent sexual predator order is placed such as the seriousness of offense, their history, the characteristics of the offender, etc. This process was struck down in Smith v. State in 2009 as unconstitutional.</p> <p><u>Updating Registry Information:</u> Offenders have two days to update any informational changes such as change in employment or residence.</p> <p><u>Prohibitions for Offenders:</u> Offenders are not allowed to work in certain places or be present in certain places. It is a misdemeanor for the owner/operator to have an offender on the premises.</p> <p>The crimes are listed in 18-8304. This statute should be reviewed to make sure there aren't any crimes missing.</p> <p>What are the penalties for those that don't register? Offenders may receive 10 of imprisonment if they don't register and a fine. There are other consequences depending on the offender's circumstances. There are no mandatory minimums.</p> <p>Who is on the SOR? They are ISP employees trained in database and these types of cases. They do have experience or background in related field. Are there lawyers to review cases, especially equivalent cases? They are reviewed by staff but the ultimate decision is made by the bureau chief. There is often consultation with others.</p>
	<ul style="list-style-type: none"> Identify Topics for Future Meetings 	<ul style="list-style-type: none"> Spousal rape – look to see if it was discussed to be included or maybe it could be looked at in the future.

	Adjourn- Next Scheduled Meeting, November 16 th at 2pm	There was a motion to adjourn the meeting by Jared Larsen and Colleen Zahn seconded. Motion carried.
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