

Idaho Criminal Justice Commission
Sexual Offenses Subcommittee
 January 3, 2022

Location: Idaho Assoc. of Counties, 3100 S. Vista Ave. Ste. 200, Boise, ID 83705 **Time:** 9:00 a.m.–12:00 p.m.

Members Present:

Ashley Dowell, Chair, Idaho Comm. Pardon/Parole	Abby Broyles, Deputy Ada County Public Defender
Jared Larsen, Office of the Governor	Nancy Volle, Sex Offender Management Board
Melissa Wintrow, Idaho State Senator	Mark Kubinski, Criminal Chief, Office of the Attorney General
Erik Lehtinen, Deputy State Appellate Pub. Defender	John Dinger, Deputy Ada County Prosecutor
Amy Campbell, Idaho State Police	Paul Jagosh, Fraternal Order of Police
Greg Chaney, Idaho State Representative	

Members Not Present:

Louis Hougaard, Office of the Governor

Agenda		Due Date
9:00 am	Call to Order	
	<ul style="list-style-type: none"> • Welcome and roll call 	
	<ul style="list-style-type: none"> • Approve November 2021 minutes <ul style="list-style-type: none"> ○ ACTION ITEM 	There was a motion to approve the minutes from November 2021 by Paul Jagosh and was seconded by Erik Lehtinen. Motion carried.
	<ul style="list-style-type: none"> • Review of proposed statutory changes <ul style="list-style-type: none"> ○ ACTION ITEM 	18-8310: Had a case come up that they argued that they completed any period of supervision and we need clarification to put “any and all” periods of supervision. Is this necessary since they have the ability to apply for release from the registry but it doesn’t automatically release them? They do need to apply and the judge makes the decision. We had an individual argue that he had completed one period but we need to look at the conviction which caused the petitioner to report. This will help prevent this from happening again. There is a concern that the judge doesn’t have the ability to even consider a petition and the judge should have that

	<p>ability. Is there a decision/opinion that states the petitioner has to complete all periods of supervision? Not sure.</p> <p>Legislative intent? Any period of time could lead to release when there are multiple offenses (non-registerable offenses) could be included and an individual could petition to remove from registry.</p> <p>This would make it so they have to complete all periods of time associated with the conviction to register. Does this still leave discretion to the judge? Yes, it would.</p> <p>Group still wants to know what the original intent of the legislature is. Have this section be a separate bill since the intent is still unknown. Tabled.</p> <p>18-8308: We continually get mail back and it leads to noncompliance. We are asking for more time to get them back as mail it taking more time. USPS stated delivery times are taking longer. This language increases the time from 7 days to 21 days. There is a potential for adopting a mailbox rule for this. If we are going to lengthen maybe we could go to 14 days but some would like to see a rule that could have an option that individuals provide proof. There is a concern that these types of individuals are out there without verification. Maybe move to 14 days and see how this works.</p> <p>This is noncompliance report is quite a long process and this change would life some of that work load. Why do we have this process? Do we not trust people? How many are compliant? Most are compliant. We do accept verifications via email, although they have to send the original. Is it reasonable to adjust down to 14? Yes.</p> <p>There is a need to look at the process of this as it may not be the fault of the individual. There needs to be a longer conversation about this. When the system goes wrong this could change how the individual behaves.</p> <p>18-8305 (a) (d): Need to be consistent with other statutes. Change from 5 days to 14 days from the mailing date of the notice. Need to reduce a little bit. Reduced to 10. The dates</p>
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		<p>provided were based on the actual experience in the registration office as to when they are actually receiving information. We can come back if this doesn't solve the issue.</p> <p>What are the consequences for noncompliance? The sheriffs have that authority. We notify them. There is a concern that victims may not be protected and/or victims may experience more trauma when they know that the individual isn't compliant. Are individuals held accountable for the time of noncompliance? Probably not unless there were new charges or other violations.</p> <p>18-8303: We have a lot of petitions for those that committed while 16 and 17. Those that were 16 are eligible for release but those that were 17 are not eligible. Do we want to include those that were 17? There doesn't appear to be concerns with including those that are 17.</p> <p>18-6101 & 18-1508: Consistency issue? One states three years difference and one is five years difference. Need to have a big discussion of why those amounts were used. Not sure if there is consensus on this yet. Do we want to add this in yet and derail the rest of the work that has been done? If we advance this, maybe it should be its own bill, not part of the whole package.</p> <p>18-8303, 18-8307(4), and 18-8309(2): Have to notify within 2 days about moving. We need to address temporary residences. What about individuals that come from out of state as temporary residence? The registry office interprets this as they have the two days but some counties don't have them register if they are going to be here under 7 days. If something happened while they are here, we would want to know if they have to register. Are we talking about individuals that come here on vacation or people going on vacation out of the state of Idaho? Both. Need a conversation with sheriffs and prosecutors. We could be looking at a significant cost impact if it increases the work load. Tabled.</p>
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	<p>18-8304(1)(b): Clarifying language between (b) and (c). Clarify if someone lived in Idaho and convicted somewhere else (Washington) they would still be included in (b) and (c). They would still have to register.</p> <p>18-310: Updated references. Do we add in the new crimes? Recommendation is not adding because these aren't usually violent crimes against people. All agreed.</p> <p>18-909 and 911: Removed references for crimes against nature, as it is being repealed. Don't recommend adding language for the other repealed crimes and they aren't against people. All agreed.</p> <p>18-4502: Removed references for crimes against nature, as it is being repealed. Don't recommend adding language for the other repealed crimes and they aren't against people. All agreed.</p> <p>18-8303: Removed references for crimes against nature, as it is being repealed. Don't recommend adding language for the other repealed crimes and they aren't against people. All agreed.</p> <p>19-2515: Removed references for crimes against nature, as it is being repealed. Don't recommend adding language for the other repealed crimes and they aren't against people. Don't feel that crime against nature is a cause for the death penalty. Not sure it's appropriate and not sure that it would happen. All agreed.</p> <p>19-2520C: Removed references for crimes against nature, as it is being repealed. Don't recommend adding language for the other repealed crimes and they aren't against people. Don't feel that crime against nature is a cause for the death penalty. Not sure it's appropriate and not sure that it would happen. All agreed.</p>
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	<p>20-509: Automatic waiver of juveniles into adult court: new statutes don't lend to force or violence and don't feel it's appropriate that juveniles be automatically waived into adult court. Removed references for crimes against nature.</p> <p>20-525A: Juvenile records: doesn't really have application with the new statutes. Removed references for crimes against nature.</p> <p>20-1005: Removed references for crimes against nature, as it is being repealed. Recommend adding language for the other repealed crimes (sexual abuse of an animal and sexual abuse of human remains). All agreed.</p> <p>39-1113: Licensing of daycare centers: Removed references for crimes against nature. Recommend adding language for the other repealed crimes (sexual abuse of an animal and sexual abuse of human remains). All agreed.</p> <p>72-1025: Fines for certain offenses. Removed references for crimes against nature. Don't see a need to treat this any different than any other felony.</p> <p>Sexual abuse of an animal: Penalties mirroring other crimes against animals? We want to make sure that someone convicted under this section would lose their livelihood. This would remove the animal at the time of the offense.</p> <p>Perhaps the best route is to cut subsection 5(b), and adjust subsection 5(a) of our proposed statute to mirror the language of section 25-2520A(4).</p> <p>There was a motion to approve the draft with changes discussed and send to full ICJC for consideration by Jared Larsen and was seconded Senator Wintrow. Motion carried.</p>
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	<ul style="list-style-type: none"> Identify topics for next meeting 	n/a
	Adjourn- Next Scheduled Meeting, TBD	<p>There was a motion to allow Ashley Dowell to make technical corrections that are non-substantive by Jared Larsen and was seconded by Erik Lehtinen. Motion carried. If any changes are made, Ashley Dowell will recirculate it to the subcommittee.</p> <p>Wait for next meeting until the session is completed.</p> <p>There was a motion to adjourn the meeting at 11:12 am by Senator Wintrow and was seconded by Mark Kubinski. Motion carried. 11:12 am</p>