

# Summary of 2014 Selected Legislation of Interest to the Judiciary

*References are to 2014 Idaho Session Laws*

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This summary and the bills highlighted  
can be found on the  
Judiciary's home page at:  
<http://www.isc.idaho.gov/>

All bills filed during the 2014 legislative session and their status  
are available on the Legislature's home page at:  
<http://legislature.idaho.gov/index.htm>

**April 11, 2014**

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Bill #	Description of Bill	
<b>1. APPROPRIATIONS</b>		
<a href="#">HB 580</a>	APPROPRIATIONS – Appropriation for the Office of Drug Policy for FY 2015; provides for total appropriation of \$3,616,300.	Session Law Chapter 323 Effective: 07/01/2014
<a href="#">HB 581</a>	APPROPRIATIONS – Appropriation for the Division of Veterans Services for FY 2015; total appropriation of \$30,155,400 includes \$50,000 for Veterans Treatment Courts.	Session Law Chapter 193 Effective: 07/01/2014
<a href="#">HB 613</a>	APPROPRIATIONS – Appropriation for Department of Juvenile Corrections for FY 2015; appropriates \$50,587,000, a 3.4% increase over FY 2014; adds three FTPs for quality improvement staff; includes \$95,400 to prevent, detect, and respond to sexual harassment or assault as it relates to the Prison Rape Elimination Act.	Session Law Chapter 208 Effective: 07/01/2014
<a href="#">HB 624</a>	APPROPRIATIONS – Appropriation for the Legislative Branch for FY 2015; appropriates and transfers \$1,000,000 from the general fund to the Constitutional Defense Fund at the beginning of FY 2015.	Session Law Chapter 215 Effective: 07/01/2014
<a href="#">HB 634</a>	APPROPRIATIONS – Appropriation for Public Defense Commission for FY 2015; appropriates \$300,000 and provides for 1.5 FTPs.	Session Law Chapter 343 Effective: 07/01/2014
<a href="#">HB 636</a>	APPROPRIATIONS – Appropriation for Supreme Court for FY 2015; appropriation for \$59,700,800, representing a 15.3% increase over FY 2014; appropriates \$39,773,200 from the general fund, \$18,070,400 in dedicated funds, and \$1,856,900 in federal funds; includes a \$4,850,000 appropriation for court technology, an additional net increase appropriation of \$851,900 to the JRF, and \$40,000 for GAL expansion.	Session Law Chapter 220 Effective: 07/01/2014
<a href="#">HB 646</a>	APPROPRIATIONS – Additional appropriation for Supreme Court for FY 2015; appropriates \$5,466,000 from the Court Technology Fund for replacement of ISTARs.	Session Law Chapter 226 Effective: 07/01/2014
<a href="#">HB 648</a>	APPROPRIATIONS – Appropriates an additional \$1,000,000 to DOC for FY 2015 for county and out-of-state placement of inmates; trailer bill to H0456a, which raised the daily rate for housing an inmate in a county jail from \$40 to \$45.	Session Law Chapter 261 Effective: 07/01/2014
<a href="#">SB 1245</a>	APPROPRIATIONS – Provides an additional appropriation of \$1,931,200 to Department of Correction for FY 2014 for an additional 90 FTEs to transition the Idaho Correctional Center from a privately operated facility to a state operated facility.	Session Law Chapter 8 Effective: 02/13/2014
<a href="#">SB 1364</a>	APPROPRIATIONS – Additional appropriation to DHW for FY 2014.	Session Law Chapter 100 Effective: 03/17/2014
<a href="#">SB 1371</a>	APPROPRIATIONS – Additional appropriation to DOC for FY 2014; includes transfer of \$943,425.60 from the Substance Abuse Treatment Fund within the Supreme Court to the Substance Abuse Treatment Fund within DOC; includes appropriation of \$818,900 from the Substance Abuse Treatment Fund within DOC for the Community-Based Substance Abuse Treatment Program.	Session Law Chapter 153 Effective: 03/19/2014
<a href="#">SB 1382</a>	APPROPRIATIONS – Transfers \$7,843,900 from the Millennium Income Fund for FY 2015.	Session Law Chapter 334 Effective: 07/01/2014

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<a href="#"><u>SB 1400</u></a>	APPROPRIATIONS – Appropriation to DHW for FY 2015 for the divisions of Mental Health Services, Psychiatric Hospitalization, and Substance Abuse Treatment and Prevention; total appropriation of \$81,660,300 is a 1.6% increase over FY 2014.	Session Law Chapter 294 Effective: 07/01/2014
<a href="#"><u>SB 1401</u></a>	APPROPRIATIONS – Appropriation to DHW for FY 2015 for child welfare and services for the developmentally disabled; appropriates \$92,098,300, and increase of 2.4% from the FY 2014 appropriation.	Session Law Chapter 295 Effective: 07/01/2014
<a href="#"><u>SB 1421</u></a>	APPROPRIATIONS – Appropriation for DOC for FY 2015; appropriates \$220,512,600, a 9.4% increase from FY 2014; includes \$357,500 to hire five additional PSI investigators, and \$2,456,800 to expand community-based substance abuse treatment services.	Session Law Chapter 309 Effective: 07/01/2014
<a href="#"><u>SB 1425</u></a>	APPROPRIATIONS – Appropriation to the Department of Administration for the Division of Public Works for FY 2015; includes \$1,000,000 for Capitol Annex infrastructure.	Session Law Chapter 313 Effective: 07/01/2014
<a href="#"><u>SB 1431</u></a>	APPROPRIATIONS – Additional appropriation to the Supreme Court for FY 2015 for \$1,157,200 to provide for judicial salary increases adopted in S1394.	Session Law Chapter 186 Effective: 07/01/2014
<a href="#"><u>SB 1433</u></a>	APPROPRIATIONS – Provides additional appropriations to DOC relating to S1357, the JRI bill; provides \$369,200 to hire five new probation and parole officer; \$500,000 to train officers in effective research-based management techniques when dealing with offenders in the community; and \$299,000 to hire a contractor to develop a probation and parole web-based reporting system.	Session Law Chapter 318 Effective: 07/01/2014
<b>2. BEHAVIORAL HEALTH</b>		
<a href="#"><u>SB 1224aa</u></a>	BEHAVIORAL HEALTH – Makes extensive changes to chapter 31, title 19, dealing with treatment services for persons with mental illness or substance use disorders; designates DHW as the state behavioral health authority; establishes the behavioral health cooperative, the behavioral health planning council, and regional behavioral health centers; specifies behavioral health services to be offered; provides for regional behavioral health boards.	Session Law Chapter 43 Effective: 07/01/2014
<a href="#"><u>SB 1352</u></a>	BEHAVIORAL HEALTH – Authorizes establishment of behavioral health community crisis centers to provide 24/7 evaluation, intervention and referral for individuals experiencing a crisis due to a behavioral health condition.	Session Law Chapter 131 Effective: 07/01/2014
<b>3. CHILDREN AND FAMILIES</b>		
<a href="#"><u>HB 446</u></a>	CHILDREN & FAMILIES – Amends I.C. § 32-717D to provide that a court may award attorney’s fees and costs to the prevailing party on a motion to set aside or modify the decision of a parenting coordinator. (Court bill.)	Session Law Chapter 163 Effective: 07/01/2014
<a href="#"><u>SB 1215</u></a>	CHILDREN & FAMILIES – Amends I.C. § 16-1622 to correct code references that were erroneous in the CPA amendments adopted in 2013. (Court defects bill.)	Session Law Chapter 23 Effective: 07/01/2014
<a href="#"><u>SB 1221aa</u></a>	CHILDREN & FAMILIES – Defines child advocacy centers and recognizes child advocacy centers as part of the interagency multidisciplinary teams and as a provider of child forensic interviews.	Session Law Chapter 120 Effective: 07/01/2014

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<a href="#"><u>SB 1293</u></a>	CHILDREN & FAMILIES – Provides that an unmarried biological father’s manifesting a full commitment to parental responsibilities must occur before: (1) the filing of any proceeding to terminate the parental rights of the birth mother; (2) the filing of any proceeding to adopt the child; or (3) the execution of a consent to terminate the birth mother’s parental rights, whichever occurs first.	Session Law Chapter 140 Effective: 07/01/2014
<b>4. CIVIL PROCEDURES &amp; TORTS</b>		
<a href="#"><u>HB 457aaS</u></a>	CIVIL PROCEDURE – Repeals provision of I.C. § 49-673 stating that failure to use a safety restraint (seat belt) shall not be considered as evidence of negligence or contributory or comparative negligence; provides that evidence of failure to use a safety restraint may be used for apportionment of damages, if defendant shows by clear and convincing evidence that such failure was a contributing cause of the injury or damage; requires a hearing before the defendant may add failure to use a safety restraint as an affirmative defense; provides that such defense does not apply in an action to recover damages for a child who is not old enough to qualify for driver’s training.	Session Law Chapter 320 Effective: 07/01/2014
<a href="#"><u>HB 462</u></a>	TORTS – Amends provisions relating to ski areas to include snow boarders, tubers and sledders in the definition of “skiers”; define terrain parks, and state that the provisions applying to ski areas apply to terrain parks; and state that movement of snow, including avalanches, are risks for which a skier assumes the risk and legal responsibility.	Session Law Chapter 187 Effective: 07/01/2014
<a href="#"><u>SB 1232aa, aaH</u></a>	TORTS – Provides that a school bus driver shall not be civilly or criminally liable for reasonably acting to aid a rider whom the driver reasonably believes to be in imminent danger of harm or injury.	Session Law Chapter 286 Effective: 07/01/2014
<a href="#"><u>SB 1342</u></a>	CIVIL PROCEDURE – Provides additional procedure for augmentation of the record on an appeal from a decision of a school district board of trustees to district court.	Session Law Chapter 276 Effective: 07/01/2014
<a href="#"><u>SB 1354aa</u></a>	TORTS – Creates enforcement provisions and a cause of action for bad faith assertions of patent infringement; provides for granting of equitable relief, damages, exemplary damages, and costs and fees.	Session Law Chapter 277 Effective: 07/01/2014
<a href="#"><u>SB 1355aaH</u></a>	TORTS – Provides that no criteria, guideline, or standard established by the Affordable Care Act or any other federal law or regulation shall be used as a basis for establishing an applicable community standard of care.	Session Law Chapter 346 Effective: 07/01/2014
<b>5. COURTS</b>		
<a href="#"><u>HB 509</u></a>	COURTS – Provides for increases in civil filing fees to help fund the Odyssey system and the Court’s technology plan; renames the ISTARS Fund the Court Technology Fund; provides for an annual report to the Governor and the Legislature on the status of the Fund, court technology, and improvements resulting from the use of court technology; increases the fee for filing a case in the district court by \$125, and for filing a case in the magistrate division by \$70; increases the fee for filing an appearance by \$70; adds a \$20 court technology fee for some other filings. (Court bill.)	Session Law Chapter 190 Effective: 07/01/2014

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<a href="#">SB 1356</a>	PUBLIC RECORDS – Adopts the Uniform Electronic Legal Material Act, providing standards for the authentication and preservation of electronic legal material.	Session Law Chapter 278 Effective: 07/01/2015
<a href="#">SB 1394</a>	COURTS – Bill increasing salaries for justices and judges; increases the salary of Supreme Court justices to \$135,000 as of July 1, 2014, and to \$140,000 as of July 1, 2016; sets the salaries of Court of Appeals judges at \$5,000 less than Supreme Court justices as of July 1, 2014, and at \$10,000 less as of July 1, 2016 (\$130,000); sets the salaries of district judges at \$6,000 less than Court of Appeals judges (\$124,000); sets salaries of magistrate judges at \$12,000 less than district judges (\$112,000); increases added compensation to the Chief Justice and Administrative District Judges from \$1,500 to \$2,000; provides for \$2,000 in additional compensation for the Chief Judge of the Court of Appeals.	Session Law Chapter 291 Effective: 07/01/2014
<b>6. CRIMES AND CRIMINAL PROCEDURES</b>		
<a href="#">HB 406</a>	CRIMES – Amends environmental quality laws; provides that a person who willfully or negligently violates certain discharge elimination system standards or permit condition or filing requirement is guilty of a misdemeanor and shall be punished by a fine of not more than \$10,000 per violation or for each day of a continuing violation; those making false statements in any form or report are guilty of a misdemeanor and shall be punished by a fine of not more than \$5,000 per violation or for each day of a continuing violation.	Session Law Chapter 40 Effective: 07/01/2014
<a href="#">HB 434</a>	INFRACTIONS – Raises the maximum fine for an infraction to \$300; provides that the penalty for an infraction will be: (1) the amount set by statute; (2) the amount set by IIR 9 as of January 1, 2014, if not by set by statute; (3) the amount set by city or county ordinance, if not set under (1) or (2); (4) an amount set by the sentencing court in its discretion if such discretion is permitted by statute or ordinance; or (5) otherwise, \$15.50. (Penalty does not include court costs and fees.)	Session Law Chapter 236 Effective: 07/01/2014
<a href="#">HB 455</a>	CRIMINAL PROCEDURE – Increases victim notification fee charged to each person found guilty of a felony or misdemeanor from \$10 to \$15.	Session Law Chapter 335 Effective: 07/01/2014
<a href="#">HB456aaS</a>	CORRECTIONS – Increase daily rate paid by the Board of Correction to counties housing state prisoners from \$40 to \$45.	Session Law Chapter 239 Effective: 07/01/2014
<a href="#">HB 459</a>	CRIMES – Amends I.C. §18-6608 to provide that forcible sexual penetration by use of a foreign object occurs when the victim was unconscious of the nature of the act because the victim was unconscious or asleep, or was not aware that the act occurred.	Session Law Chapter 165 Effective: 07/01/2014
<a href="#">HB 461</a>	CRIMINAL PROCEDURE – Establishes voluntary statewide 24/7 Sobriety and Drug Monitoring Program, to which counties or departments of state government may opt in, to be administered by the Attorney General; offenders who commit crimes with a nexus to drugs or alcohol could participate in an abstinence and testing program as a condition of bail, probation, parole, or work permit.	Session Law Chapter 240 Effective: 07/01/2014
<a href="#">HB 512</a>	CRIMINAL PROCEDURE – Provides that participation in the Idaho health insurance exchange shall not give rise to a presumption of indigency for the purpose of appointing defense counsel in a criminal case.	Session Law Chapter 243 Effective: 07/01/2014

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<a href="#">HB 518aaS</a>	CRIMES – Amends the scrap metal provisions enacted in 2013; among other things, excludes scrap metal businesses from the provision making a person who is found guilty of a second violation within five years guilty of a felony.	Session Law Chapter 321 Effective: 07/01/2014
<a href="#">HB 542</a>	CRIMINAL PROCEDURE – Amends provisions relating to public defenders, in accordance with the recommendations of the Public Defense Reform Interim Committee; creates a seven-member State Public Defense Commission to adopt rules regarding CLE requirements for defense attorneys and uniform data reporting requirements, and make recommendations to the Legislature on public defense system issues; prohibits fixed fee contracts for public defenders.	Session Law Chapter 247 Effective: 03/26/2014
<a href="#">HB 563</a>	CRIMES – Amends I.C. § 18-6609 to provide that the felony of video voyeurism is committed when a person either intentionally or with reckless disregard disseminates, publishes or sells any image of the intimate areas of another person without the consent of such other person, and he knows or reasonably should have known that one or both parties agreed or understood that the image should remain private.	Session Law Chapter 173 Effective: 07/01/2014
<a href="#">HCR 40</a>	CRIMINAL PROCEDURE – Extends the Public Defense Reform Interim Committee for another year.	
<a href="#">SB 1214</a>	CRIMINAL PROCEDURE – Amends I.C. § 19-3915, addressing procedure in the magistrate division, to delete provision stating that the court “can give no charge to the jury.” (Court defects bill.)	Session Law Chapter 22 Effective: 07/01/2014
<a href="#">SB 1240aa</a>	CRIMINAL PROCEDURE – Provides that, absent consent or a warrant based upon probable cause, a person shall not be required to provide a DNA sample unless the person has been convicted of a felony or attempt to commit a felony.	Session Law Chapter 263 Effective: 07/01/2014
<a href="#">SB 1241</a>	CRIMES – Provides that private property along a public road may be posted with no trespassing signs where the public road enters and leaves the private property.	Session Law Chapter 28 Effective: 07/01/2014
<a href="#">SB 1274aa</a>	CRIMES – Repeals previous I.C. § 67-7016 and enacts new I.C. § 67-7016 defining the misdemeanor of grossly negligent operation and of a motorized vessel.	Session Law Chapter 136 Effective: 07/01/2014
<a href="#">SB 1337</a>	CRIMES – Creates the new misdemeanor of interference with agricultural production.	Session Law Chapter 30 Effective: 02/28/2014
<a href="#">SB 1341</a>	CRIMES – Allows enhancement charges under the Idaho Criminal Gang Enforcement Act to be filed by complaint or petition, rather than only by indictment or information.	Session Law Chapter 99 Effective: 07/01/2014
<a href="#">SB 1351</a>	CRIMES – Makes it a felony to commit a battery on a health care worker when the victim is in the course of performing his or her duties, or where the battery is committed because of the status of the victim as a health care worker.	Session Law Chapter 288 Effective: 07/01/2014
<a href="#">SB 1357</a>	CRIMINAL PROCEDURE -- Enacts amendments to statutes relating to sentencing, probation, and parole; requires the PSI to include recidivism rates for offenders sentenced to DOC, placed on retained jurisdiction, or given probation; provides that a defendant placed on probation shall enter into an agreement of supervision with DOC; allows suspension of sentence without supervised probation; sets forth procedures for adoption and evaluation of programs intended to reduce recidivism; allows Board of Correction to determine levels of supervision for persons on probation or parole; adds provisions dealing with modification of provisions of probation and termination of probation; requires DOC and the Commission for Pardons and Parole to submit an annual report on the	Session Law Chapter 150 Effective: 03/01/2015 Sections 4, 6, 9, 14, 15, 16, and 17; 01/01/2016 Section 20; 07/01/2014 All other sections

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	percentage of persons serving terms for property or drug offenses who were released before serving 150% of their fixed terms, and the most common reasons for denying release to such persons; sets limits on sanctions for persons violating terms of parole.	
<a href="#">SB 1369</a>	CRIMINAL PROCEDURE – Gives the Attorney General responsibility for investigating all allegation of a violation of state law, civil or criminal, against a county officer occupying an elective position for violating a state law in his official capacity.	Session Law Chapter 280 Effective: 07/01/2014
<a href="#">SB 1374aa</a>	CORRECTIONS – Provides that the Board of Correction may contract for the use of inmate labor in agriculture, so long as the use of inmate labor does not result in the displacement of employed workers in the local region.	Session Law Chapter 282 Effective: 07/01/2014
<a href="#">SB 1375</a>	CRIMINAL PROCEDURE – Amends I.C. § 19-2604 to extend and further define the persons who are eligible to have their convictions set aside or reduced under subsection (1); clarifies that persons who have completed their probation terms may seek relief; requires a showing of good cause, rather than compatibility with the public interest, to obtain relief. (Court bill.)	Session Law Chapter 283 Effective: 07/01/2014
<a href="#">SB 1379</a>	UNIFORM CONTROLLED SUBSTANCES - Amends existing law to revise certain controlled substances listed in Schedule I.	Session Law Chapter 349 Effective: 07/01/2014
<a href="#">SB 1393</a>	CRIMINAL PROCEDURE – Creates a Criminal Justice Reinvestment Oversight Committee to monitor performance and outcome measures as set forth in the Justice Reinvestment Act; sunsets in 2019.	Session Law Chapter 290 Effective: 07/01/2014
<b>7. FIREARMS</b>		
<a href="#">SB 1254</a>	FIREARMS – Provides that any person carrying a concealed weapon while under the influence of alcohol or drugs on a university or college campus shall have any concealed weapon permit revoked for a period of three years; limits the authority of public colleges and universities to regulate firearms by providing that they may not regulate or prohibit the otherwise lawful possession, carrying or transporting of firearms or ammunition by persons having a retired law enforcement officer concealed weapons license under I.C. § 18-3302H or an enhanced concealed weapons license under I.C. § 18-3302K, but further providing that a person have a concealed weapons license under I.C. §§ 18-3302H or 18-3302K shall not carry a concealed weapon with a student dormitory or residence hall or within a public entertainment facility having a seating capacity of at least 1,000 persons.	Session Law Chapter 73 Effective: 07/01/2014
<a href="#">SB 1332</a>	CRIMES – Provides that any official or employee of the state of Idaho or any political subdivision who orders confiscation of any firearm under a federal provision of law, other than a firearm used in the commission of a felony, is subject to a civil penalty and on a subsequent violation is guilty of a misdemeanor.	Session Law Chapter 148 Effective: 03/19/2014
<b>8. FISH AND GAME</b>		
<a href="#">HB 597</a>	FISH & GAME – Provides that licensing as outfitters or guides is not required for private landowners and their employees who provide facilities or services on their own property.	Session Law Chapter 256 Effective: 07/01/2014

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<b>9. GUARDIANSHIPS AND CONSERVATORSHIPS</b>		
<a href="#"><u>HB 447</u></a>	GUARDIANSHIPS & CONSERVATORSHIPS – Removes several detailed provisions regarding the content of reports, inventories and accountings filed by guardians and conservators and provides that such filings shall be under oath or affirmation and shall comply with Supreme Court rules; amends I.C. § 15-5-314 to provide that when court visitor services are provided by court personnel, compensation paid for such services shall be deposited in the Guardianship and Conservatorship Project Fund. (Court bill.)	Session Law Chapter 164 Effective: 07/01/2014
<a href="#"><u>SB 1247aa</u></a>	GUARDIANSHIPS & CONSERVATORSHIPS – Enacts a new statute, I.C. § 15-5-318, which provides that a guardianship terminates upon the death of the ward or upon order of the court; that upon petition the court may terminate a guardianship if the ward no longer needs the assistance or protection of a guardian, or may modify the type or appointment or powers of the guardian if the extent of protection or assistance granted is currently excessive or insufficient; and that upon presentation of a prima facie case for termination the court shall order termination unless it is proven that continuation of the guardianship in in the best interest of the ward.	Session Law Chapter 135 Effective: 07/01/2014
<a href="#"><u>SB 1248</u></a>	GUARDIANSHIPS & CONSERVATORSHIPS – Permits a parent to appoint by will one or more alternate guardians for a child, in order of priority.	Session Law Chapter 287 Effective: 07/01/2014
<b>10. JUVENILES</b>		
<a href="#"><u>HB 547</u></a>	JUVENILES – Addresses distribution of cigarette tax money; amends I.C. § 63-2506 to provide that \$3,315,000 of such money shall be subject to appropriation to DJC for distribution to the counties for county juvenile probation services.	Session Law Chapter 115 Effective: 07/01/2014
<a href="#"><u>HB 589aaS</u></a>	JUVENILES – Amends I.C. § 63-2552A(3) to reduce the amount of tobacco tax money that shall be remitted to the Idaho State Police for drug testing for juveniles from \$250,000 to \$200,000.	Session Law Chapter 325 Effective: 07/01/2014
<a href="#"><u>SB 1353</u></a>	JUVENILES – Permits a court to dismiss a JCA case if an informal adjustment has been granted, the juvenile has satisfied the terms of the informal adjustment, the court is convinced that there is no longer cause for continuing the informal adjustment, and dismissal is compatible with the public interest; allows a court to dismiss a JCA case if the juvenile has successfully completed a problem solving court program and has complied with the terms of any period of probation following graduation.	Session Law Chapter 345 Effective: 07/01/2014
<b>11. MISCELLANEOUS</b>		
<a href="#"><u>HB 451</u></a>	COUNTIES – Allows for the photographic and digital preservation of county records and disposal or return of paper records.	Session Law Chapter 237 Effective: 07/01/2014
<a href="#"><u>HB 519</u></a>	MENTAL COMMITMENTS – Amends I.C. § 66-345 to provides that whenever a peace officer applies restraints to a patient while transporting the patient from one facility to another, and the restraint is against the medical advice of a licensed physician, the officer shall document the use of restraints in a report to be included in the clinical record.	Session Law Chapter 111 Effective: 07/01/2014

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<a href="#">HB 540</a>	ADMINISTRATIVE PROCEDURE – Amends IDAPA to remove power of Legislature to amend or modify a rule.	Session Law Chapter 191 Effective: 07/01/2014
<a href="#">HB 560</a>	PUBLIC RECORDS – Requires local governing entities to submit administrative and financial information to be included on the Legislative Services Office website.	Session Law Chapter 249 Effective: 01/01/2015
<a href="#">HJR 2</a>	RULE MAKING AUTHORITY– Proposes a constitutional amendment stating that the Legislature may delegate rule making authority to executive agencies as provided by law; that no law shall supersede the Legislature’s constitutional authority; and that the Legislature may approve or reject, in whole or in part, administrative rules as provided by law.	
<a href="#">SB 1249</a>	PROBATE – Provides that summary administrations and small estate affidavits are not subject to the three-year statute of limitations of I.C. § 15-3-108.	Session Law Chapter 264 Effective: 07/01/2014
<a href="#">SB 1312</a>	PERSI – Amendments to statutes proposed by PERSI to conform with the IRS requirements in the PERSI determination letter; includes a requirement that the PERSI statutes shall be administered in a manner to comply with certain additional provisions of the Internal Revenue Code, including 26 U.S.C. § 401(a)(36), permitting distribution to a person 62 or older who is not separated from employment.	Session Law Chapter 87 Effective: 07/01/2014
<a href="#">SB 1370aa,aa,aa</a>	LEGISLATURE – Enacts a new section permitting a legislator to designate a qualified person to act as legislator in his or her stead when the legislator is temporarily unable to perform the duties of his or her office; provides that the substitute must be qualified to hold the office of the legislator under the Idaho Constitution and statutes.	Session Law Chapter 348 Effective: 07/01/2014
<a href="#">SB 1395a</a>	EXECUTIVE OFFICERS – Salary bill for state elective officers; increases the salaries of the Governor, Secretary of State, State Treasurer, and Controller by 1.5% for each of the next four calendar years; increases the salary of the Lieutenant Governor from 25% of the Governor’s salary to 35% of the Governor’s salary; sets the salary of the Attorney General at the same level as the salary of district judges as of January 1, 2015. (Governor Otter issued a line item veto of the appropriation for the governor’s salary increase.)	Session Law Chapter 356 Effective: 07/01/2014
<b>12. MOTOR VEHICLES</b>		
<a href="#">HB 404</a>	MOTOR VEHICLES – Amends ignition interlock provisions to comply with federal requirements; provides that repeat offenders subject to penalties for DUI, alcohol concentration test refusals, or administrative license suspensions who are granted a restricted driving permit as a result of their participation in a drug or mental health court program must have an ignition interlock for at least one year.	Session Law Chapter 63 Effective: 07/01/2014
<a href="#">SB 1284aa,aa</a>	MOTOR VEHICLES – Permits the Idaho Transportation Board to raise speed limits on interstate highways to 80 mph; permits local authorities to raise speed limits in nonresidential areas of urban districts to 70 mph.	Session Law Chapter 126 Effective: 07/01/2014
<b>13. PROPERTY</b>		
<a href="#">SB 1277aa</a>	STATE LANDS – Amends I.C. § 58-138 relating to exchange of state land; provides that “cottage sites” can be exchanged for lands of equal value, public or private.	Session Law Chapter 98 Effective: 07/01/2014

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<a href="#"><u>SB 1283aa</u></a>	PROPERTY – Provides that counties and highway district must follow the procedures set forth in I.C. § 40-203 when vacating a highway, public road or public right-of-way that is part of a platted subdivision.	Session Law Chapter 137 Effective: 07/01/2014
<a href="#"><u>SB 1309aa</u></a>	CIVIL PROCEDURE – Provides that when a government entity seeking condemnation amends the project after commencing litigation, and the property owner has costs or attorney’s fees relating to issues that are rendered moot by the amendment, the court upon motion shall award reimbursement for the reasonable costs and attorney’s fees incurred for generating evidence rendered moot.	Session Law Chapter 269 Effective: 07/01/2014

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<b>14. BILLS NOT ENACTED</b>	
<i>(The legislative bills in this section are not attached.)</i>	
<a href="#"><u>HB 368</u></a>	ELECTIONS – Provides that no person shall serve as a senator or representative while serving as an elected official of any political subdivision with taxing authority or the authority to spend public moneys.
<a href="#"><u>HB 426</u></a>	RELIGION – Provides that a person’s professional or occupational license, certificate or registration shall not be denied, revoked or suspended for declining to provide services (other than emergency response duties), refusing to affirm a statement or oath, or making business related decisions, including employment or client selection decisions, based on religious beliefs.
<a href="#"><u>HB 427</u></a>	RELIGION – Amends I.C. § 73-402 to provide that a person whose exercise of religion is burdened in violation of that section may assert that violation as a claim or defense against any person relying upon any government action, enactment or law that burdens a person’s exercise of religion.
<a href="#"><u>HB 435</u></a>	CRIMES – Amends I.C. § 67-6527 to remove the authority to make a violation of local land use provisions a misdemeanor; such violations may be infractions or the subject of a compliance enforcement action.
<a href="#"><u>HB 449</u></a>	CIVIL PROCEDURE – Amends statutes relating to garnishments to allow attorneys or their employees or agents to serve wage garnishments (very similar to SB 1137 introduced in the 2013 Legislative Session).
<a href="#"><u>HB 453</u></a>	CRIMES – Provides that persons found guilty of specified felonies where the victim is 65 or older shall be sentenced to an extended term of imprisonment, which “shall be computed by increasing the sentence imposed for a conviction under any such section by a period of not more than ten (10) years.”
<a href="#"><u>HB 458</u></a>	CRIMES – Amends I.C. § 18-1501(4) to provide that exemption from the injury to child statute for parents or guardians who choose treatment by prayer or spiritual means does not apply when a child’s medical condition has caused death or permanent disability.
<a href="#"><u>HB 463</u></a>	CRIMES – Makes violations of the Idaho Building Code Act infractions, rather than misdemeanors; provides that a person who has been convicted of three or more violations, where the violation has occurred within three years of another violation, is guilty of a misdemeanor.
<a href="#"><u>HB 464</u></a>	CHILDREN & FAMILIES – Provides that a peace officer must consult with DHW prior to taking a child into shelter care.
<a href="#"><u>HB 465</u></a>	CHILDREN & FAMILIES – Amends CPA provisions to state that a child taken into shelter care “may be held for a maximum of three (3) working judicial days and a minimum of two (2) working judicial days, not including the day the child is taken into care” before a shelter care hearing is held.
<a href="#"><u>HB 466</u></a>	MOTOR VEHICLES – Provides that inattentive driving is applicable “in those circumstances where the operator has a known medical condition that he or she is not treating at the time he or she is operating a motor vehicle and that failure to treat the medical condition is affecting the operator’s ability to drive.”
<a href="#"><u>HB 488</u></a>	ELECTIONS – Provides for electronic voter registration, allowing voters to register through the Internet on the website of the Secretary of State.
<a href="#"><u>HB 502</u></a>	ELECTIONS – Makes several changes to the election statutes, as recommended by the Secretary of State; provides that no candidate’s name can appear on the ballot for more than one judicial office.
<a href="#"><u>HB 510</u></a>	CIVIL PROCEDURE – Amends I.C. § 11-202 to remove the provision making elected officials exempt from garnishment.
<a href="#"><u>HB 511</u></a>	TORTS – Enacts the Idaho Biometric Data Protection Act, establishing limits on a private entity’s collection or transfer of biometric identifiers and biometric information; creates a right of action by a party aggrieved by a violation of the Act, including liquidated or actual damages, whichever is greater, attorney’s fees and costs, and injunctive relief.

## Summary of 2014 Selected Legislation of Interest to the Judiciary

### 14. BILLS NOT ENACTED continued . . .

*(The Legislative Bills in this Section are Not Attached.)*

<a href="#"><u>HB 514</u></a>	CRIMES – Amends I.C. § 18-3302 to state that a person who has a concealed weapons license may carry a concealed weapon in a motor vehicle, and that a person who does not possess such a license may conceal a weapon in a motor vehicle so long as the weapon is disassembled or unloaded; states that a person may carry a concealed weapon outside a city, and eliminates the language that this may be done “while engaged in lawful hunting, fishing, trapping or other lawful outdoor activity”; eliminates the provision stating an elected Idaho official may carry a concealed weapon without a license to do so.
<a href="#"><u>HB 525</u></a>	ELECTIONS – Allows persons to register to vote at the same time that they apply for or renew a driver’s license or state issued identification.
<a href="#"><u>SB 1250aa</u></a>	GUARDIANSHIPS & CONSERVATORSHIPS – Provides that the appointment of a guardian or conservator removes contractual capacity but does not automatically remove testamentary capacity.
<a href="#"><u>SB 1271</u></a>	STATE SYMBOLS – Declares the Idaho Giant Salamander to be the state amphibian.
<a href="#"><u>SB 1282aa</u></a>	JUDGMENTS – Removes 12% as the rate of prejudgment interest and provides that prejudgment interest shall be calculated in the same manner as post-judgment interest.
<a href="#"><u>SB 1290</u></a>	JUVENILES – Amends I.C. § 20-505(4) to provide that the JCA shall not apply to alcohol and tobacco violations “where the act or omission would be a crime if committed by an adult.” (This would bring all underage alcohol and tobacco offenses under the JCA.)
<a href="#"><u>SB 1336</u></a>	CIVIL PROCEDURE – Enacts the Idaho Legislature’s Right to Intervene Act, giving the Legislature standing to intervene in lawsuits challenging the validity of Idaho laws.
<a href="#"><u>SB 1380</u></a>	BUSINESS – Adopts the Harmonized Uniform Business Organizations Code.
<a href="#"><u>SB 1412</u></a>	WATER – Amends various provisions relating to storage of water to: (1) assure that water may be used for fire abatement and defined forestry practices without a water right in a manner equitable to the holder of a water right; (2) to assure that water appropriated by new water rights do not diminish the fill of the state’s reservoir systems; and (3) to provide that the release of water for flood control purposes from Arrowrock Reservoir, Anderson Ranch Reservoir, and Lucky Peak Reservoir in a manner consistent with certain described agreements does not diminish storage water rights.
<a href="#"><u>SJR103aa</u></a>	CONSTITUTION – Proposes amendment to article XIV, section 1 of the Idaho Constitution, stating that all able-bodied residents who are 18 years of age or older constitute the militia. (Current provision applies only to males between the ages of 18 and 45.)
<a href="#"><u>SJR106</u></a>	LEGISLATURE – Proposes a constitutional amendment that would allow the president pro tem of the Senate and the speaker of the House to call the Legislature back into session to reconsider a vetoed bill.