



# Legislative Services Office Idaho State Legislature

Jeff Youtz  
Director

*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Judiciary & Rules Committee and the House Judiciary, Rules & Administration Committee

**FROM:** Principal Legislative Research Analyst - Brooke Brouman

**DATE:** August 05, 2014

**SUBJECT:** Idaho State Police - Peace Officer Standards and Training Council

IDAPA 11.11.01 - Rules of the Idaho Peace Officer Standards and Training Council (Docket No. 11-1101-1401) - Temporary and Proposed Rule

IDAPA 11.11.01 - Rules of the Idaho Peace Officer Standards and Training Council (Docket No. 11-1101-1402) - Proposed Rule

**(1) IDAPA 11.11.01 - Rules of the Idaho Peace Officer Standards and Training Council (Docket No. 11-1101-1401) - Temporary and Proposed Rule:**

The Idaho State Police submits notice of temporary and proposed rulemaking relating to Rules of the Idaho Peace Officer Standards and Training Council. The temporary and proposed rule makes the following changes:

- (a) Requires misdemeanor probation officers and Idaho Department of Juvenile Corrections direct care staff to meet certain minimum standards for employment;
- (b) Requires that in situations where the POST Division Administrator may grant a waiver, but chooses not to, he must refer the application to the POST Council for its consideration;
- (c) Removes a citation to Black's Law Dictionary;
- (d) Specifies that an employment applicant may be rejected who has committed any unlawful act involving moral turpitude and removes examples of such acts; and
- (e) Makes it permissive, rather than mandatory, that an employment applicant be rejected who has unlawfully used any prescription drug or a legally obtainable controlled substance within the past three years.

The Council states that there is no negative fiscal impact to the state general fund as a result of this rule-making. The Council further states that negotiated rulemaking was not conducted because the rule is temporary, the rule is simple in nature and representatives of the affected interests were involved in the drafting and approval of the rule.

The Council's proposed rule is authorized pursuant to Section 19-5107, Idaho Code.

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

**(2) IDAPA 11.11.01 - Rules of the Idaho Peace Officer Standards and Training Council (Docket No. 11-1101-1402) - Proposed Rule:**

The Idaho State Police submits notice of proposed rulemaking relating to Rules of the Idaho Peace Officer Standards and Training Council. Specifically, the proposed rule adds a POST-certified instructor renewal requirement of eight hours of continuing instructor training every two years for instructors of topics related to defensive tactics, firearms and emergency vehicle operations.

The Council states that there is no negative fiscal impact to the state general fund as a result of this rule-making. The Council further states that negotiated rulemaking was not conducted because the rule is simple in nature and representatives of the affected interests were involved in the drafting and approval of the rule.

The Council's proposed rule is authorized pursuant to Section 19-5107, Idaho Code.

cc: Idaho State Police - Idaho State Police - POST  
Amy Jordan