



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

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## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Judiciary & Rules Committee and the House Judiciary, Rules & Administration Committee  
**FROM:** Senior Legislative Research Analyst - Ryan Bush  
**DATE:** September 9, 2014  
**SUBJECT:** Department of Juvenile Corrections

IDAPA 05.01.01 - Rules for Contract Providers (Chapter Repeal) (Docket No. 05-0101-1401)

IDAPA 05.01.05 - Rules for Reintegration Providers (Chapter Repeal) (Docket No. 05-0105-1401)

IDAPA 05.02.01 - Rules for Residential Treatment Providers (New Chapter) (Docket No. 05-0201-1401)

IDAPA 05.02.02 - Rules for Staff Secure Providers (New Chapter) (Docket No. 05-0202-1401)

IDAPA 05.02.03 - Rules for Reintegration Providers (New Chapter) (Docket No. 05-0203-1401)

IDAPA 05.02.04 - Rules for Supported Living Providers (New Chapter) (Docket No. 05-0204-1401)

### **(1) 05.01.01 - Rules for Contract Providers (Chapter Repeal) (Docket No. 05-0101-1401)**

The Department of Juvenile Corrections submits notice of proposed rulemaking at IDAPA 05.01.01 - Rules for Contract Providers (Chapter Repeal). The Department states that this chapter is being repealed in its entirety and replaced by new chapters IDAPA 05.02.01, "Rules for Residential Treatment Providers" and IDAPA 05.02.02, "Rules for Staff Secure Providers."

The Department states that negotiated rulemaking was conducted and that Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2014 edition of the Idaho Administrative Bulletin.

The proposed rule appears to be within the statutory authority granted to the Department in Section 20-504, Idaho Code.

### **(2) 05.01.05 - Rules for Reintegration Providers (Chapter Repeal) (Docket No. 05-0105-1401)**

The Department of Juvenile Corrections submits notice of proposed rulemaking at IDAPA 05.01.05 - Rules for Reintegration Providers (Chapter Repeal). The Department states that this chapter is being repealed in its entirety and replaced by new chapters IDAPA 05.02.01, "Rules for Residential Treatment Providers," IDAPA 05.02.03, "Rules for Reintegration Providers" and IDAPA 05.02.04 "Rules for Supported Living Providers."

The Department states that negotiated rulemaking was conducted and that Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2014 edition of the Idaho Administrative Bulletin.

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The proposed rule appears to be within the statutory authority granted to the Department in Section 20-504, Idaho Code.

**(3) 05.02.01 - Rules for Residential Treatment Providers (New Chapter) (Docket No. 05-0201-1401)**

The Department of Juvenile Corrections submits notice of proposed rulemaking at IDAPA 05.02.01 - Rules for Residential Treatment Providers (New Chapter). The Department states that this chapter is applicable to all residential treatment providers who contract with the IDJC. The Department further states that this chapter will eliminate duplication in multiple chapters, provide additional requirements relating to Department of Justice Prison Rape Elimination Act (PREA) standards and provide clarification in areas of past misinterpretations. Specifically, this chapter does the following:

- (1) Authorizes the Department to inspect programs and facilities;
- (2) Provides for the safety and maintenance of buildings, vehicles and drivers;
- (3) Provides for qualifications, requirements, training and criminal background checks for program personnel;
- (4) Provides for the maintenance of juvenile records;
- (5) Requires precautions against suicide; and
- (6) Provides for the rights, responsibilities and discipline of juvenile offenders; and
- (7) Provides for operational and reporting requirements for programs.

The Department states that negotiated rulemaking was conducted and that Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2014 edition of the Idaho Administrative Bulletin. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in Section 20-504, Idaho Code.

**(4) 05.02.02 - Rules for Staff Secure Providers (New Chapter) (Docket No. 05-0202-1401)**

The Department of Juvenile Corrections submits notice of proposed rulemaking at IDAPA 05.02.02 - Rules for Staff Secure Providers (New Chapter). The Department states that this chapter is applicable only to staff secure providers. The Department further states that this chapter will provide additional requirements relating to Department of Justice Prison Rape Elimination Act (PREA) standards and provide clarification in areas of past misinterpretations. Specifically, this chapter does the following:

- (1) Provides rules for various aspects of juvenile living, such as inspections, clothing, food service, employment, mail, visitation, contraband and room restrictions;
- (2) Provides minimum mandatory staff training requirements of 80 hours for the first year of employment and 40 hours following the first year;
- (3) Imposes program requirements for educational and vocational competence, behavior problems and to prepare juveniles for responsible living in the community;
- (4) Sets guidelines for educational, medical, counseling, substance abuse, life skill and various other services;

- (5) Provides reporting requirements for each juvenile offender's case and requires a written service implementation plan;
- (6) Authorizes drug screening for juvenile offenders with certain conditions; and
- (7) Provides guidelines for release and transfer.

The Department states that negotiated rulemaking was conducted and that Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2014 edition of the Idaho Administrative Bulletin. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in Section 20-504, Idaho Code.

**(5) 05.02.03 - Rules for Reintegration Providers (New Chapter) (Docket No. 05-0203-1401)**

The Department of Juvenile Corrections submits notice of proposed rulemaking at IDAPA 05.02.03 - Rules for Reintegration Providers (New Chapter). The Department states that this chapter is applicable only to reintegration providers. The Department further states that this chapter will provide additional requirements relating to Department of Justice Prison Rape Elimination Act (PREA) standards and provide clarification in areas of past misinterpretations. Specifically, this chapter does the following:

- (1) Provides rules for various aspects of juvenile living, such as inspections, clothing, food service, employment, mail, visitation, and contraband and body searches;
- (2) Imposes program requirements for educational and vocational competence, behavior problems and to prepare juveniles for responsible living in the community;
- (3) Sets guidelines for counseling and other outpatient services, such as drug and alcohol counseling, and the teaching of life skills and independent living;
- (4) Provides reporting requirements for each juvenile offender's case and requires a written service implementation plan;
- (5) Sets guidelines for educational and medical services;
- (6) Authorizes drug screening for juvenile offenders with certain conditions; and
- (7) Provides guidelines for release and transfer.

The Department states that negotiated rulemaking was conducted and that Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2014 edition of the Idaho Administrative Bulletin. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in Section 20-504, Idaho Code.

**(6) 05.02.04 - Rules for Supported Living Providers (New Chapter) (Docket No. 05-0204-1401)**

The Department of Juvenile Corrections submits notice of proposed rulemaking at IDAPA 05.02.04 - Rules for Supported Living Providers (New Chapter). The Department states that this chapter is applicable only to supported living providers. The Department further states that this chapter will provide additional requirements relating to Department of Justice Prison Rape Elimination Act (PREA) standards and provide clarification in areas of past misinterpretations. Specifically, this chapter does the following:

- (1) Provides rules for various aspects of juvenile living, such as inspections, clothing, food service, employment, mail, community service and contraband;
- (2) Imposes program requirements for educational and vocational competence, behavior problems and to prepare juveniles for responsible living in the community;
- (3) Sets guidelines for counseling and other outpatient services, such as drug and alcohol counseling, and the teaching of life skills and independent living;
- (4) Provides reporting requirements for each juvenile offender's case and requires a written service implementation plan;
- (5) Sets guidelines for educational and medical services;
- (6) Authorizes drug screening for juvenile offenders with certain conditions; and
- (7) Provides guidelines for release and transfer.

The Department states that negotiated rulemaking was conducted and that Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2014 edition of the Idaho Administrative Bulletin. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in Section 20-504, Idaho Code.

cc: Department of Juvenile Corrections  
Sharon Harrigfeld