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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: October 14, 2014

SUBJECT: Commission of Pardons and Parole

IDAPA 50.01.01 - Rules of the Commission of Pardons and Parole - Proposed Rule (Docket No. 50-0101-1401)

The Commission of Pardons and Parole submits notice of proposed rulemaking at IDAPA 50.01.01 - Rules of the Commission of Pardons and Parole. The Commission states that this rule is to clarify and update outdated language and does the following:

- (1) Revises terms and terminology, including "inmate" to "offender";
- (2) Expedites hearings and removes early discharge language;
- (3) Revises language regarding general conditions of parole to make the language more consolidated;
- (4) Grants authority to the Executive Director to add special conditions;
- (5) Allows a holding institution to hold an offender until felony charges or federal holds have been adjudicated;
- (6) Removes and clarifies language on Interstate Compact procedures;
- (7) Expands language regarding victims to improve public safety and to account for victims not part of the instant offense;
- (8) Revises jail time served related to the Intermediate Sanctions on Violations;
- (9) Allows for the restoration of firearms rights under Section 18-310, Idaho Code; and
- (10) Provides for a staff progress report for a staff member making a request for parole.

The Commission states that negotiated rulemaking was not conducted because interested stakeholders were very unlikely to reach a consensus on the changes being proposed. A public hearing on this rulemaking is scheduled on October 24 at the Commission's office in Boise. There is no fiscal impact associated with this rulemaking.

The subcommittees should note that even though a fee is imposed in section 250.12.a.i. for a person who transfers his supervision to another state, this rulemaking was not submitted as a fee rule. This is because the one hundred dollar (\$100) fee is paid to the Idaho Department of Correction as required in Section 20-225A, Idaho Code, and not as a new fee.

The proposed rule appears to be within the statutory authority granted to the Commission in Section 20-223, Idaho Code.

cc: Commission of Pardons and Parole
Olivia Craven