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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: Principal Legislative Research Analyst - Ryan Bush

DATE: October 8, 2015

SUBJECT: Commission of Pardons and Parole

IDAPA 50.01.01 - Rules of the Commission of Pardons and Parole - Proposed Rule (Docket No. 50-0101-1501)

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 change makes updates to include changes passed by the Legislature in 2015 and to mirror parole guidelines of the Justice Reinvestment Initiative. Specifically, this rulemaking accomplishes the following:

- (1) Removes infractions from the definitions of "non technical violation" and "technical violation";
- (2) Provides violation hearing officers with the authority to impose sanctions;
- (3) Implements firearms restoration conditions and guidelines;
- (4) Adds provisions for confidential evaluations of substance abuse;
- (5) Clarifies the Executive Director's authority to recall a decision;
- (6) Provides additional explanation of conditions of a parole contract including sanctions and rewards and that the conditions be in writing and signed by the parolee;
- (7) Clarifies what constitutes excessive alcohol use;
- (8) Authorizes violation hearing officers to implement 90 and 180 day sanctions without appearing before the Commission;
- (9) Removes reference to institutional parole;
- (10) Removes reference to staff progress reports; and
- (11) Provides guidelines for a prisoner transfer to his country of citizenship under the Foreign National Treaty.

The Commission states that negotiated rulemaking was not conducted because the update reflects current operating processes and legislation passed in the 2015 session. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Commission in Section 20-210A, Idaho Code.

cc: Commission of Pardons and Parole
Olivia Craven