

IN THE SENATE

SENATE BILL NO. 1109

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE STATE BOARD OF CORRECTION; AMENDING SECTION 20-213A, IDAHO  
2 CODE, TO PROVIDE THAT HEARINGS OF THE COMMISSION SHALL BE HELD IN AC-  
3 CORDANCE WITH THE OPEN MEETINGS LAW, TO PROVIDE THAT CERTAIN INITIAL  
4 REVIEWS MAY BE HELD IN EXECUTIVE SESSION, TO PROVIDE THAT CERTAIN DE-  
5 LIBERATIONS AND VOTING SHALL BE MADE IN EXECUTIVE SESSION, TO PROVIDE  
6 FOR FIREARM RESTORATION IN CERTAIN INSTANCES, TO PROVIDE THAT CERTAIN  
7 RECORDS SHALL BE AVAILABLE TO CERTAIN PERSONS, TO PROVIDE A CORRECT CODE  
8 REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.  
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 20-213A, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 20-213A. COMPLIANCE WITH OPEN MEETINGS LAW -- EXECUTIVE SESSIONS AU-  
14 THORIZED -- REPORT REQUIRED. (1) All meetings and hearings of the commission  
15 of pardons and parole shall be held in accordance with the open meetings law  
16 as provided in chapter 232, title 6774, Idaho Code, except:

17 (a) An initial review of an application for a request for parole, par-  
18 don, commutation or firearm restoration may be held in executive ses-  
19 sion. The executive session shall be limited to a decision as to whether  
20 a hearing should be granted;

21 (b) When a hearing is granted, it will be conducted in open session.  
22 Pursuant to section 74-206, Idaho Code, deliberations and decisions  
23 voting concerning the granting, revoking, reinstating or refusing of  
24 pardons, or; the granting or denying of pardons or commutations, may; or  
25 the granting or denying of firearm restorations shall be made in execu-  
26 tive session; and

27 (c) Votes of individual members in arriving at the parole, pardon,  
28 firearm restoration or commutation decisions shall not be made public,  
29 provided that the commission shall maintain a record of the votes of the  
30 individual members as required in subsection (2) of this section.

31 (2) A written record of the vote to grant or deny parole, pardon,  
32 firearm restoration or commutation, by each commission member in each case  
33 reviewed by that member shall be produced made by the commission. The record  
34 produced by the commission pursuant to this section shall be kept confi-  
35 dential and privileged from disclosure, provided the record shall be made  
36 available, upon request, to the governor and or the governor's representa-  
37 tive, the chairman and most senior minority member of the senate judiciary  
38 and rules committee and the chairman and most senior minority member of the  
39 house of representatives judiciary, rules and administration committee,  
40 for all lawful purposes. All committee members and representatives of the  
41 governor's office shall keep such record confidential. Distribution of the

1 report by a commissioner or an employee of the executive director to any per-  
2 son not specifically listed in this section shall be a misdemeanor.

3 (3) Nothing contained in this section shall prevent any person from ob-  
4 taining the results of any parole, pardon, firearm restoration or commuta-  
5 tion action by the commission without reference to the manner in which any  
6 member voted, and the commission shall make such information public informa-  
7 tion.

8 (4) Nothing contained herein shall prevent the executive director for  
9 the commission or designated staff of the executive director from attending  
10 any meeting, including an executive session of the commission of pardons and  
11 parole.

12 (5) Nothing contained herein shall prevent the governor ~~and~~, the gover-  
13 nor's representative, chairman and most senior minority member of the sen-  
14 ate judiciary and rules committee and the chairman and most senior minority  
15 member of the house of representatives judiciary, rules and administration  
16 committee from attending any meeting, including an executive session of the  
17 commission of pardons and parole.