

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Thursday, January 09, 2020

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Chaney, Acting Vice Chairman Monks, Representatives Kerby, Amador, Zito, Zollinger, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Wintrow, Davis

**ABSENT/
EXCUSED:** None

GUESTS: Karen Magnelli, Mary Schoeler, Commission of Pardons & Parole; Jay Shaw, DFM; Nancy Volle, SOMB; Jaren Larsen, Governor's Office

Chairman Chaney called the meeting to order at 1:32 p.m.

DOCKET NO. 50-0101-1900: **Ashley Dowell**, Executive Director, Commission of Pardons and Parole, presented omnibus administrative rule **Docket No. 50-0101-1900**. She stated the rules were reviewed specifically to eliminate rules that were outdated, obsolete, unnecessary, or contained duplicative language within the rule or exists within statute and/or the constitution. Six pages of rules and 2,947 words were eliminated. Rules were made more readable with plain language, including the elimination of outdated definitions. The Self-initiated Progress Report process was modified to clarify rules that were contradictory and confusing. Additionally, the Commutation and Early Discharge processes were combined to more clearly outline the process as required by law. General and special parole conditions, as well as Parole Revocation processes were clarified.

Several members of the Committee expressed concern about Idaho's prison recidivism rate and questioned what role the state's parole conditions may play in this. **Ms. Dowell** explained that the general requirements for parole are outlined in Idaho statute, but the Parole Commission may require specific treatment as a parole condition. In response to other questions from the Committee, Ms. Dowell stated that all hearings are audio recorded, but that may change in the future because it is labor intensive. However, all hearings are open to the public and written minutes are taken. She clarified that the Parole board is separate and independent from the parole officers who are governed by the Board of Correction. She explained that parole officers are focused on keeping parolees on track. Minor infractions such as drinking occasional alcohol at a social event may not be the sole cause for revocation of parole. However, it could be if there are other behaviors or preexisting infractions that lead a parole officer to take action for a parole violation.

MOTION: **Rep. Zollinger** made a motion to approve **Docket No. 50-0101-1900**.

Ms. Dowell responded further to questions from the Committee by clarifying that parolees are prohibited from living in homes with firearms, regardless of whether the firearms are owned and secured by the homeowner who may be a parent or family member. She explained the Commission rarely makes a recommendation for commutation of a sentence because it modifies a judicial decision.

SUBSTITUTE MOTION: **Rep. Davis** made a substitute motion to approve **Docket No. 50-0101-1900** with the exception of **Section 250, Subsection 03.g.i.** She stated since anyone over the age of 21 can legally consume alcohol this rule seems overly restrictive for all parolees if their conviction is totally unrelated to drug or alcohol offenses.

For the record, no one indicated a desire to testify.

Reps. Zollinger and McCrostie spoke in opposition to the substitute motion. Rep. Zollinger stated he was not comfortable striking the language if it is in statute, and didn't know whether that is true at this time. Rep. McCrostie related a family member's story and stated he believes this can be a motivator for parolees to stay on the path to reform.

Rep. Gannon spoke in support of the substitute motion. He stated it makes sense if a conviction is related to felony DUI, but it seems overly restrictive when it is not strictly enforced, nor productive to apply it to all parolees if they do not have a problem with alcohol.

In response to committee members who expressed an interest in changing or "cleaning up" sections of the rule related to weapons and certain other conditions for parole, **Rep. Scott** explained the time to do this is during the rulemaking period in the fall. She commended the agency's good faith effort to do what was asked of them by going through their rules to streamline them.

Ms. Dowell responded to a question from a Committee member by stating the alcohol restriction is a relatively new rule that was adopted in 2016 and does act as a motivator.

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Chaney called for a vote on the substitute motion to approve **Docket No. 50-0101-1900** with the exception of **Section 250, Subsection 03.g.i.** **Motion failed by voice vote.**

**VOTE ON
MOTION:**

Chairman Chaney called for a vote on the motion to approve **Docket No. 50-0101-1900.** **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the Committee, the meeting adjourned at 2:42 p.m.

Representative Chaney
Chair

Wendy Carver-Herbert
Secretary