

IN THE SENATE

SENATE BILL NO. 1024

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO COMMUTATIONS AND PARDONS; AMENDING SECTION 20-1016, IDAHO CODE,
2 TO REVISE A PROVISION REGARDING COMMUTATIONS AND PARDONS FOR OFFENSES
3 PUNISHABLE BY DEATH OR LIFE IMPRISONMENT AND TO PROVIDE FOR CONSPIRA-
4 CIES TO COMMIT CERTAIN OFFENSES; AND DECLARING AN EMERGENCY AND PROVID-
5 ING AN EFFECTIVE DATE.
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 20-1016, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 20-1016. COMMUTATIONS AND PARDONS. (1) The commission shall have full
11 and final authority to grant commutations and pardons after conviction and
12 judgment in all cases of offenses against the state except treason or im-
13 peachment and as otherwise provided in this section.

14 ~~(2) With respect to commutations and pardons~~ The commission shall have
15 authority to grant commutations and pardons after conviction and judgment
16 for offenses, or conspiracies to commit any offense, for which the maximum
17 punishment allowed by law at the time of sentencing is death or life impris-
18 onment, the commission's determination shall only constitute a recommenda-
19 tion subject to approval or disapproval by the governor. No commutation or
20 pardon for such offenses shall be effective until presented to and approved
21 by the governor. Any commutation or pardon recommendation not so approved
22 within thirty (30) days of the commission's recommendation shall be deemed
23 denied only after first presenting a recommendation to the governor. If the
24 governor approves the commission's recommendation within thirty (30) days
25 of presentment, the commission's pardon or commutation shall issue. If the
26 governor rejects the commission's recommendation within thirty (30) days of
27 presentment or takes no action on the recommendation before the passage of
28 thirty (30) days from presentment, no pardon or commutation shall issue from
29 the commission, and the commission's recommendation shall be of no force or
30 effect.

31 (3) Notwithstanding subsection (2) of this section, the commission
32 shall have full and final authority to grant pardons and commutations for:

33 (a) Any offense, or conspiracies to commit any offense, in violation
34 of chapter 27, title 37, Idaho Code, for which the maximum punishment
35 allowed by law at the time of sentencing is life imprisonment; and

36 (b) Any offense, or conspiracies to commit any offense, for which the
37 maximum punishment allowed by law at the time of sentencing is enhanced
38 by chapter 25, title 19, Idaho Code, to life imprisonment.

39 (4) The commission shall conduct commutation and pardon proceedings
40 pursuant to rules and regulations adopted in accordance with law and may
41 attach such conditions as it deems appropriate in granting pardons or commu-
42 tations.

1 SECTION 2. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2023.