

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 187

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO PROBATION AND PAROLE; AMENDING CHAPTER 26, TITLE 19, IDAHO CODE,
2 BY THE ADDITION OF A NEW SECTION 19-2601B, IDAHO CODE, TO ESTABLISH PRO-
3 VISIONS REGARDING ADVISEMENT TO FELONY PROBATIONERS REGARDING CONDI-
4 TIONS OF PROBATION; AMENDING SECTION 20-1007, IDAHO CODE, TO ESTABLISH
5 PROVISIONS REGARDING ADVISEMENT TO PAROLEES REGARDING CONDITIONS OF
6 PAROLE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
7

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

9 SECTION 1. That Chapter 26, Title 19, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 19-2601B, Idaho Code, and to read as follows:

12 19-2601B. ADVISEMENT TO FELONY PROBATIONERS REGARDING CONDITIONS OF
13 PROBATION. (1) Any person ordered to felony probation pursuant to this chap-
14 ter shall be given notice that he waives his constitutional rights under the
15 fourth amendment to the constitution of the United States and section 17, ar-
16 ticle I of the constitution of the state of Idaho and consents to warrant-
17 less search and seizure of his person, place of residence, motor vehicle, or
18 other real or personal property, including without limitation a cellular or
19 electronic device under his control or possession, at any time, day or night,
20 with or without cause, by a probation and parole officer, county probation
21 officer, or peace officer as defined in section 19-5101(d), Idaho Code.

22 (2) The court shall provide such notice at the time of sentencing and
23 shall condition probation on the terms as provided in this section and any
24 other terms the court deems necessary.

25 (3) The defendant shall agree to the terms of probation as described
26 in this section and any other terms deemed by the court and shall acknowl-
27 edge acceptance in writing. If the defendant fails to agree and accept said
28 terms, he shall be ineligible to be placed on probation.

29 (4) Probation and parole officers, county probation officers, and
30 peace officers shall not conduct searches or seizures for the sole purpose of
31 harassment.

32 SECTION 2. That Section 20-1007, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 20-1007. CONDITIONS OF PAROLE TO BE SPECIFIED IN WRITING -- WARRANT
35 FOR ARREST OF SUSPECTED VIOLATORS -- EFFECT OF SUSPENSION AND ARREST. (1) The
36 commission, in releasing a person on parole, shall specify in writing the
37 conditions of parole, and a copy of such conditions shall be given to the per-
38 son paroled. The commission shall include in the conditions of parole a re-
39 quirement that the defendant enter into and comply with an agreement of su-
40 pervision with the board of correction. The agreement of supervision shall

1 include provisions setting forth the potential sanctions for a violation of
2 the conditions imposed and potential rewards for compliance with the condi-
3 tions imposed, as such sanctions and rewards are set forth in rules of the
4 board.

5 (2) Any person released to parole shall be given notice that he waives
6 his constitutional rights under the fourth amendment to the constitution of
7 the United States and section 17, article I of the constitution of the state
8 of Idaho and consents to warrantless search and seizure of his person, place
9 of residence, motor vehicle, or other real or personal property, including
10 without limitation a cellular or electronic device under his control or pos-
11 session, at any time, day or night, with or without cause, by a probation
12 and parole officer, county probation officer, or peace officer as defined in
13 section 19-5101(d), Idaho Code.

14 (3) Any person released to parole shall agree to the conditions of pa-
15 role as provided in this section and any other terms the commission deems
16 necessary and shall acknowledge acceptance in writing. If the parolee fails
17 to agree and accept said terms, he shall be ineligible to be released on pa-
18 role.

19 (4) Probation and parole officers, county probation officers, and
20 peace officers shall not conduct searches or seizures for the sole purpose of
21 harassment.

22 ~~(2)~~ (5) Whenever the commission finds that a parolee may have violated
23 the conditions of parole, the written order of the commission, signed by a
24 majority of the full commission, by a unanimous panel of three (3) commis-
25 sioners, or by the executive director, shall be sufficient warrant for any
26 law enforcement officer to take into custody such person, and it is hereby
27 made the duty of all sheriffs, police, constables, parole and probation
28 officers, prison officials and other peace officers to execute such order.
29 Such warrant shall serve to suspend the person's parole until a determina-
30 tion on the merits of the allegations of the violation has been made pursuant
31 to a revocation hearing. From and after the issuance of the warrant and sus-
32 pension of the parole of any convicted person and until arrest, the parolee
33 shall be considered a fugitive from justice. Such person so recommitted, ex-
34 cept as provided in section 20-1010, Idaho Code, must serve out the sentence,
35 and the time during which such prisoner was out on parole shall not be deemed
36 a part thereof, unless the commission, in its discretion, shall determine
37 otherwise, but nothing herein contained shall prevent the commission from
38 again paroling such prisoners at its discretion.

39 SECTION 3. An emergency existing therefor, which emergency is hereby
40 declared to exist, this act shall be in full force and effect on and after
41 July 1, 2025.