

Dear Senators DARRINGTON, Vick, Bock, and
Representatives WILLS, Luker, Burgoyne:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Sexual Offender Management Board:

IDAPA 57.01.01 - Rules of the Sexual Offender Management Board (Docket No. 57-0101-1101).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 08/12/2011. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 09/12/2011.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address or FAX number indicated on the memorandum enclosed.



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Judiciary & Rules Committee and the House Judiciary, Rules & Administration Committee

FROM: Principal Legislative Research Analyst - Brooke Murdoch

DATE: July 26, 2011

SUBJECT: Sexual Offender Management Board

IDAPA 57.01.01 - Rules of the Sexual Offender Management Board (Docket No. 57-0101-1101)

The Sexual Offender Management Board submits notice of temporary and proposed rulemaking at IDAPA 57.01.01. This rulemaking was prompted by Senate Bill No. 1154, which was passed by the 2011 Legislature. Senate Bill No. 1154 made significant revisions to the Sexual Offender Registration Notification and Community Right-to-Know Act, including changing the name of the Sexual Offender Classification Board to the Sexual Offender Management Board and removing the Violent Sexual Predator designation procedures. This temporary and proposed rule is consistent with these statutory revisions.

Negotiated rulemaking was not conducted because the rulemaking is a result of statutory changes that became effective on July 1, 2011.

The temporary and proposed rule is within the authority granted to the Sexual Offender Management Board in Section 18-8314(3), Idaho Code.

cc: Sexual Offender Management Board
Kathy Baird

IDAPA 57 - SEXUAL OFFENDER MANAGEMENT BOARD

57.01.01 - RULES OF THE SEXUAL OFFENDER MANAGEMENT BOARD

DOCKET NO. 57-0101-1101

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2011.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 18-8314(3), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 19, 2011.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Senate Bill No. 1154,aa eliminated the Sexual Offender Classification Board effective July 1, 2011, and in its place created the Sexual Offender Management Board which will assume some of the responsibilities of the previous board. The bill also effectively removed statutory references to the Violent Sexual Predator designation procedures. This rulemaking effects a board name change and eliminates the procedures for a VSP designation process that is no longer in place.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Compliance with deadlines in amendments to governing law or federal programs.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rulemaking is a result of statutory changes that became effective July 1, 2011.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Kathy Baird at (208) 658-2149.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 24, 2011.

DATED this 7th day of July, 2011.

Kathy Baird, Management Assistant
Sexual Offender Management Board
1299 N Orchard St Suite 110
Boise, ID 83706
(208) 658-2149 ph; (208) 327-7102 fax

THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT OF DOCKET NO. 57-0101-1101

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 18-8314(73), Idaho Code, to implement the provisions of Sections 18-8312 through 18-8327~~16~~, Idaho Code. ~~(3-24-05)(7-1-11)T~~

001. TITLE AND SCOPE.

01. Title. These rules are cited as IDAPA 57.01.01, “Rules of the Sexual Offender ~~Classification~~ Management Board.” ~~(3-24-05)(7-1-11)T~~

02. Scope. These rules provide procedures for the Sexual Offender ~~Classification~~ Management Board to: ~~(3-24-05)(7-1-11)T~~

- ~~a.~~ *Determine whether a sexual offender should be designated as a Violent Sexual Predator;* ~~(3-24-05)~~
- ~~b.~~ *a.* Set certified evaluator qualifications and standards; (3-24-05)
- ~~b.~~ *b.* Approve, issue, renew, deny, suspend or revoke psychosexual evaluator certification; and (3-24-05)
- ~~c.~~ *c.* Establish fees for initial psychosexual evaluator certification and annual psychosexual evaluator certification renewal. (3-24-05)

03. Relationship to the Department of Correction. The board is created in the Idaho Department of Correction, and relies upon the department for fiscal and administrative support. The governor appoints the board members. The powers and duties of the board are separate from the Department of Correction, and are set forth in Section 18-8314, Idaho Code. (3-24-05)

(BREAK IN CONTINUITY OF SECTIONS)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The Sexual Offender ~~Classification~~ Management Board administrative office is located at the Department of Correction headquarters, 1299 North Orchard, Suite 110, Boise, Idaho 83706. Business hours are typically 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is Office of the Sexual Offender ~~Classification~~ Management Board, 1299 North Orchard, Suite 110, Boise, Idaho 83706. The telephone number is (208) 658-2149. The facsimile number is (208) 327-7102. The board’s website address is ~~Sex Offender Registry at~~ <http://www.socb.idaho.gov>. ~~(3-24-05)(7-1-11)T~~

006. PUBLIC RECORDS ACT COMPLIANCE.

01. Administrative Rules. The rules contained herein are promulgated pursuant to Title 67, Chapter 52, Idaho Code, and are public records. (3-24-05)

02. Public Records Requests. Requests for public information are processed in compliance with ~~Sections 18-8321, 18-8323, and 20-223, Idaho Code;~~ IDAPA 06.01.01, “Rules of the Board of Correction”; and the Idaho Public Records Act. ~~(3-24-05)(7-1-11)T~~

007. -- 009. (RESERVED)

010. DEFINITIONS.

- 01.** **Board.** The Sexual Offender ~~Classification~~ **Management** Board described in Section 18-8312, Idaho Code. ~~(3-24-05)~~**(7-1-11)T**
- 02.** **Central Roster of Certified Evaluators.** A roster of evaluators who meet the qualifications, and are certified by the board to perform psychosexual evaluations. (3-24-05)
- 03.** **Certified Evaluator.** Either a psychiatrist licensed by this state pursuant to Title 54, Chapter 54, Idaho Code, or a master's or doctoral level mental health professional licensed by this state pursuant to Title 54, Chapters 23, 32, or 34, Idaho Code. The evaluator shall have by education, experience and training, expertise in the assessment and treatment of adult sexual offenders, shall meet the qualifications and shall be approved by the board to perform psychosexual evaluations in this state, as described in Sections 18-8314, Idaho Code. (3-24-05)
- 04.** **Client.** A person receiving mental health services from a certified evaluator. A client may be a person who is not a sexual offender. (3-24-05)
- 05.** **Evaluation.** For the purpose of certification eligibility, defined as the direct provision of comprehensive evaluation and assessment services to an adult who has been convicted of a sexual offense. The evaluation must be related to the client's sexual offending behavior. (3-24-05)
- ~~**06.** **Mental Abnormality.** A congenital or acquired condition affecting the emotional or volitional capacity of a person in a manner that predisposes him to commit criminal sexual acts to a degree that makes him a menace to the health, safety, or both, of other persons. (3-24-05)~~
- ~~**07.** **Personality Disorder.** A congenital or acquired physical or mental condition resulting in a general lack of power or desire to control sexual impulses. (3-24-05)~~
- ~~**08.** **Predatory.** Actions directed at an individual who was selected by the offender for the primary purpose of engaging in illegal sexual behavior. (3-24-05)~~
- ~~**096.** **Psychosexual Evaluation.** A comprehensive evaluation and assessment specifically addressing an offender's sexual development, sexual deviancy, sexual history and risk of re-offense. (3-24-05)~~
- ~~**107.** **Quality Assurance.** Technical review of a psychosexual evaluation report to assure minimum standards are met. The board conducts the review. (3-24-05)~~
- ~~**108.** **Sexual Offender.** A person convicted of an offense as listed in Section 18-8304, Idaho Code, or a substantially equivalent offense under the laws of another state, territory, commonwealth, or other jurisdiction of the United States including tribal courts and military courts. (3-24-05)~~
- ~~**12.** **Sexually Violent Offense.** (3-24-05)~~
- ~~**a.** A criminal offense as listed in Section 18-8314, Idaho Code, or a substantially equivalent offense under the laws of another state, territory, commonwealth or other jurisdiction of the United States, including tribal courts and military courts; or (3-24-05)~~
- ~~**b.** Engaging in physical contact with another person with intent to commit sexual abuse or aggravated sexual abuse as described in Sections 2241 and 2242 of Title 18, United States Code, and Section 18-8303(1), Idaho Code. (3-24-05)~~
- 09.** **Sexual Offender Classification Board.** A board in effect from 1998 to 2011 that determined whether a sexual offender should be designated as a violent sexual predator; set certified evaluator qualifications and standards; and administered an evaluator certification process. **(7-1-11)T**
- ~~**130.** **Treatment.** For the purpose of certification eligibility, defined as the provision of face-to-face individual, group, or family therapy with a person who has been investigated by law enforcement or child protective services for commission of a sexual offense, or who has been adjudicated or convicted of a sexual offense. Treatment must be directly relevant to the client's sexually offending behavior. (3-24-05)~~

~~14. **Victim.** A person, including the immediate family of a minor, named in the complaint, information or indictment, who suffers physical or emotional injury as the result of the offender's criminal conduct. (3-24-05)~~

~~15. **Violent Sexual Predator.** A person convicted of an offense listed in Section 18-8314, Idaho Code, and who is determined by the board to pose a high risk of committing an offense or engaging in predatory sexual conduct who was designated as a violent sexual predator by the Sexual Offender Classification Board where such designation has not been removed by judicial action or otherwise. (3-24-05)(7-1-11)T~~

011. ABBREVIATIONS.

01. ATSA. The Association for the Treatment of Sexual Abusers. (3-24-05)

02. DSM-IV. The "Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition," published by the American Psychiatric Association. (3-24-05)

03. IDOC. The Idaho Department of Correction. (3-24-05)

~~**04. SOCB.** The Sexual Offender Classification Board. (7-1-11)T~~

~~**05. VSP.** Violent Sexual Predator. (3-24-05)~~

012. -- 019. (RESERVED)

020. RECORDKEEPING.

01. Evaluators. Records on all applicants and certifications issued, renewed, denied, suspended, and revoked shall be maintained for a period not less than five (5) years. (3-24-05)

02. Violent Sexual Predators. The file on a sexual offender ~~that~~ who was designated as a violent sexual predator by the SOCB is maintained by the board and is considered the official file for all purposes. (3-24-05)(7-1-11)T

021. BOARD MEETINGS.

01. Meetings. The board meets at least quarterly and may meet more frequently. All business of the board is conducted in compliance with the open meeting law, pursuant to Title 67, Chapter 23, Idaho Code, and Section 18-8315, Idaho Code. (3-24-05)

02. Agenda. An agenda for each regularly scheduled meeting is posted in ~~the IDOC central office at least twenty-four (24) hours prior to the regularly scheduled meeting~~ compliance with Section 67-2343, Idaho Code. (3-24-05)(7-1-11)T

022. -- 030. (RESERVED)

~~**031. OFFENDERS SUBJECT TO EVALUATION.**~~

~~**01. Pre-Sentence.** A sexual offender who is convicted on or after July 1, 1993 of any offense listed in Section 18-8304, Idaho Code, is subject to psychosexual evaluation prior to sentencing, if ordered by the court. (3-24-05)~~

~~**02. Pre-Release.** Prior to release from incarceration, a sexual offender whose conviction is listed in Section 18-8314(1), Idaho Code, and who has been referred by the IDOC or the Commission for Pardons and Parole, shall be considered by the board for review for possible VSP designation. (3-24-05)~~

~~**03. Under IDOC Supervision.** (3-24-05)~~

~~a. Upon recommendation by the supervising officer, the Commission for Pardons and Parole may request the board to consider a sexual offender for review for possible VSP designation. The offender must be under parole supervision for a crime as listed in Section 18-8314(1), Idaho Code. (3-24-05)~~

~~b. Upon recommendation by the supervising officer, the court having jurisdiction over a sexual offender may request the board to consider the offender for review for possible VSP designation. The offender must be under court ordered probation for a crime as listed in Section 18-8314(1), Idaho Code. (3-24-05)~~

~~04. Under Federal Supervision. The federal court having jurisdiction over a sexual offender who is residing in Idaho may request the board to consider the offender for review for possible VSP designation. The offender must be under federal supervision for conviction of a crime as listed in Section 18-8214(1), Idaho Code, or a substantially equivalent offense under the laws of another state, territory, commonwealth or other jurisdiction of the United States, including tribal courts and military courts. (3-24-05)~~

~~032.—039. (RESERVED)~~

040. CERTIFIED EVALUATOR QUALIFICATIONS.

Each evaluator who performs an adult psychosexual evaluation pursuant to Sections 18-8316 ~~and 18-8317~~, Idaho Code, must meet the qualifications as set forth in this section and be certified by the board. ~~(3-24-05)~~ **(7-1-11)T**

01. Credential. The credential of a certified evaluator must be in good standing with no currently pending disciplinary action by the issuing authority. The certified evaluator shall be a recognized professional, who specializes in evaluation, treatment, or both, of adult sexual offenders. (3-24-05)

02. Educational and Professional Qualifications. A certified evaluator must be: (3-24-05)

a. A licensed psychiatrist pursuant to Title 54, Chapter 18, Idaho Code; or (3-24-05)

b. A licensed masters or doctoral level mental health professional pursuant to Title 54, Chapters 23, 32, or 34, Idaho Code. (3-24-05)

03. Licensure. Idaho licensure is required pursuant to Section 18-8303, Idaho Code. A certified evaluator must maintain licensure by the appropriate Idaho licensing board for the duration of his evaluator certification. (3-24-05)

04. Experience Qualifications. For initial certification, the certified evaluator applicant shall have at least two thousand (2000) hours of adult sexual offender treatment and evaluation experience within the preceding ten (10) years. The two thousand (2000) hours must include: (3-24-05)

a. At least two hundred fifty (250) hours of adult sexual offender evaluation experience; and (3-24-05)

b. At least two hundred fifty (250) hours of adult sexual offender treatment experience. (3-24-05)

05. Understanding. A certified evaluator shall have a thorough understanding of counter-transference issues and a broad knowledge of sexuality in the general population. A certified evaluator shall also have a good understanding of basic theories and typologies of sexual offenders and sexual assault victims. (3-24-05)

(BREAK IN CONTINUITY OF SECTIONS)

050. STANDARDS FOR PROFESSIONAL CONDUCT AND CLIENT RELATIONS.

01. General Considerations. A certified evaluator shall: (3-24-05)

- a. Be fully aware of and adhere to the standards of his area of credentialing; (3-24-05)
- b. Subscribe to the ATSA treatment philosophy, the ATSA Professional Code of Ethics, and the ATSA Practice Standards and Guidelines, as referenced in Section 004 of these rules; (3-24-05)
- c. Be knowledgeable of statutes and scientific data relevant to specialized adult sexual offender evaluation; (3-24-05)
- d. Be familiar with the statutory requirements for assessments and reports for the courts, pursuant to Sections 18-8316 ~~and 18-8317~~, Idaho Code; ~~(3-24-05)~~ (7-1-11)T
- e. Be committed to community protection and safety; (3-24-05)
- f. Avoid relationships with clients that may constitute a conflict of interest, impair professional judgement and risk exploitation; and (3-24-05)
- g. Have no sexual relationships with any client. (3-24-05)

(BREAK IN CONTINUITY OF SECTIONS)

~~132.—149. (RESERVED)~~

~~150. EVALUATION FOR VIOLENT SEXUAL PREDATOR REVIEW.~~

~~The sexual offender referred to the board for VSP review shall be evaluated as set forth in Section 130 of these rules. (3-24-05)~~

~~01. Evaluation Process. (3-24-05)~~

~~a. The evaluator shall inform the sexual offender that the psychosexual evaluation is part of the board's review to determine if the offender should be designated as a VSP. (3-24-05)~~

~~b. The sexual offender shall have an opportunity for input at the time of the psychosexual evaluation. (3-24-05)~~

~~c. The board may request a polygraph examination. Refusal or declination to participate in a polygraph examination will not be considered as failure to cooperate as set forth in Section 151 of these rules. (4-11-06)~~

~~151. FAILURE TO COOPERATE.~~

~~Public safety takes precedence over the decision of a sexual offender not to cooperate with the evaluation for VSP designation review. The sexual offender shall be informed that the board may designate an offender as a VSP if he fails to cooperate with the psychosexual evaluation process or refuses to release records for the board's VSP designation review. (3-24-05)~~

~~152. INTENTION TO RE-OFFEND.~~

~~If credible evidence supports a finding that a sexual offender has indicated an intention to re-offend, the offender shall be referred to the board for VSP designation review. Pursuant to Section 18-8314(5), Idaho Code, the sexual offender shall be designated as a VSP. (3-24-05)~~

~~153. SCOPE OF EVALUATION.~~

~~The board and the evaluator conducting the psychosexual evaluation may have access to and may review all obtainable records on the sexual offender to conduct the VSP designation assessment. If required, the offender shall sign a release of information to comply with state or federal regulations. (3-24-05)~~

~~154.—169. (RESERVED)~~

170. BOARD REVIEW.

~~The board shall assess how biological, psychological, and situational factors, may cause or contribute to the offender's sexual behavior. (3-24-05)~~

~~01. Evidence. (3-24-05)~~

~~a. The board may collect documentary evidence in the form of copies, facsimiles, hearsay, or excerpts. (3-24-05)~~

~~b. The board may take notice of any facts that could be judicially noticed in the courts of this state, and generally recognized technical or scientific facts within the board's specialized knowledge. (3-24-05)~~

~~c. The board's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence. (3-24-05)~~

~~d. The board may exclude evidence that is irrelevant, unduly repetitious, or excludable on constitutional or statutory grounds. (3-24-05)~~

~~e. The board is not obligated to accept or review oral statements or documents, other than those of the victim. (3-24-05)~~

~~f. All other evidence may be admitted. (3-24-05)~~

~~02. Review. The board's review for VSP designation is conducted in executive session pursuant to Section 18-8315, Idaho Code. The board may authorize individuals to attend a designated period of the executive session. (3-24-05)~~

~~03. Teleconference. A review conducted by teleconference is permitted. (3-24-05)~~

171. DEMONSTRATION OF HIGH RISK.

~~The board determines if a prima facie case exists to justify the sexual offender's designation as a VSP. A sexual offender shall be designated as a VSP if his risk of re-offending sexually or threat of violence is of sufficient concern to warrant the designation for the safety of the community. (3-24-05)~~

172. BOARD VOTE.

~~The board reviews documentation and makes a determination whether a sexual offender presents a high risk of re-offense, and whether the sexual offender should be designated as a VSP. (3-24-05)~~

~~01. Member Exclusion. A board member who has had prior association with the sexual offender being reviewed is excluded from the discussion and voting process on that offender. (3-24-05)~~

~~02. Vote. A majority vote to designate a sexual offender is required. (3-24-05)~~

~~a. Votes are taken and recorded in executive session pursuant to Section 18-8315, Idaho Code. (3-24-05)~~

~~b. Votes of individual members are not public record. (3-24-05)~~

~~03. Decision. (3-24-05)~~

~~a. The board may conclude from the evidence that the sexual offender has or probably has a mental abnormality or personality disorder, causing or contributing to the sexual offender's risk of re-offense. (3-24-05)~~

~~b. The board may designate a sexual offender as a VSP with or without a finding of mental abnormality or personality disorder. (3-24-05)~~

~~e. The decision of the board is recorded in the minutes of the regular meeting. (3-24-05)~~

~~d. The results of any designation action may be requested by submitting a public record request to the board. (3-24-05)~~

~~173. FINDINGS.~~

~~The board makes written findings that include the risk assessment; the reasons upon which the risk assessment was based; the determination whether the sexual offender should be designated as a VSP; and the reasons upon which the determination was based. (3-24-05)~~

~~174. NOTICE OF DESIGNATION AS A VIOLENT SEXUAL PREDATOR.~~

~~Pursuant to Sections 18-8319(2) and 18-8320, Idaho Code, the sexual offender, the sheriff of the county where the sexual offender resides or intends to reside upon release, the central registry, and the IDOC are notified of the offender's designation as a VSP. Notice is in the form of the board's written findings. (3-24-05)~~

~~175.—189. (RESERVED)~~

~~190. JUDICIAL REVIEW.~~

~~A sexual offender designated as a VSP has the right to judicial review of the designation, pursuant to Section 18-8321, Idaho Code. A request for judicial review must be filed with the courts no more than fourteen (14) calendar days after receiving the "Notice of Designation as a VSP" from the board. (3-24-05)~~

~~191.—199. (RESERVED)~~

~~200. VICTIMS.~~

~~The board respects and complies with the rights of victims as identified in Section 19-5306, Idaho Code, and Article I, Section 22, Idaho Constitution. (3-24-05)~~

~~201. LOCATING VICTIMS.~~

~~01. **Attempt to Locate.** The board shall make a good faith effort to locate the victim of the sexual offender's crime of conviction. The purpose for this effort is to inform the victim of the sexual offender's referral for VSP designation review. (3-24-05)~~

~~02. **Methods.** In effort to locate the victim, the board may use information contained in IDOC or Commission for Pardons and Parole records, telephone directories, or contact with the county where the case was tried. (3-24-05)~~

~~03. **Decision.** If the victim has been located, the board shall notify the victim of the VSP designation action. (3-24-05)~~

~~04. **No Contact.** The board respects the right of the victim to not be contacted. (3-24-05)~~

~~202. VICTIM PARTICIPATION.~~

~~The victim, person representing the victim, or both, is afforded an opportunity to testify or submit written documents for consideration by the board. (3-24-05)~~

~~01. **Meeting.** The victim, person representing the victim, or both, is permitted to attend the portion of the executive session review that pertains to the associated sexual offender. The chairman has discretion to limit the allotted time for testimony. The victim, person representing the victim, or both, is excluded during any board discussion or vote. (3-24-05)~~

~~a. The victim, person representing the victim, or both, is permitted to review documents not restricted by law, that are being considered as evidence by the board. (3-24-05)~~

~~b. Before taking testimony from the victim, the board shall use reasonable means to verify the identity~~

~~of the victim, person representing the victim, or both, or to verify the authenticity of written statements. (3-24-05)~~

~~e. The board may exclude evidence if the board determines the evidence is irrelevant, unduly repetitive, unreliable, or excludable on constitutional or statutory grounds. (3-24-05)~~

~~02. **Victim Confidentiality Protected.** Communications between the board and victim, person representing the victim, or both, are confidential. Information identifying the victim or the location of the victim is exempt from disclosure, pursuant to Section 18-8321(3)(a) and (b), Idaho Code. (3-24-05)~~

~~203~~132. -- 999. (RESERVED)