

IN THE SENATE

SENATE BILL NO. 1030

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE STATE BOARD OF CORRECTION; AMENDING SECTION 20-209, IDAHO  
2 CODE, TO GRANT THE STATE BOARD OF CORRECTION THE AUTHORITY TO PROVIDE OR  
3 FACILITATE CERTAIN RESEARCH-BASED REHABILITATIVE SERVICES FOR INCAR-  
4 CERATED AND COMMUNITY-BASED OFFENDERS.  
5

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

7 SECTION 1. That Section 20-209, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 20-209. CONTROL AND MANAGEMENT OF CORRECTIONAL FACILITIES AND PRISON-  
10 ERS -- REHABILITATIVE SERVICES -- RULES. (1) The state board of correction  
11 shall have the control, direction and management of such correctional fa-  
12 cilities as may be acquired for use by the state board of correction and all  
13 property owned or used in connection therewith, and shall provide for the  
14 care, maintenance and employment of all prisoners now or hereinafter commit-  
15 ted to its custody.

16 (2) The state board of correction may provide or facilitate research-  
17 based rehabilitative services at the discretion of the Idaho department of  
18 correction and as resources permit for incarcerated and community-based of-  
19 fenders. The rehabilitative services may include programs for behavioral  
20 modification, education, vocational education, sexual offenders, substance  
21 abuse, gender responsive programs and other programs that correctional re-  
22 search supports reduction of risk for offender populations. Nothing con-  
23 tained in this subsection shall create any right to rehabilitative services.

24 (3) The state board of correction shall have the authority to enter into  
25 contracts with private prison contractors for the site selection, design,  
26 design/building, acquisition, construction, construction management,  
27 maintenance, leasing, leasing/purchasing, management or operation of pri-  
28 vate prison facilities or any combination of those services subject to the  
29 requirements and limitations set forth in section 20-241A, Idaho Code.

30 (34) The state board of correction shall have the authority to promul-  
31 gate rules required by law or necessary or desirable to carry out all duties  
32 assigned to the department of correction pursuant to the provisions of chap-  
33 ter 8, title 20, Idaho Code, which authority shall include the power and du-  
34 ties to prescribe standards, rules and procedures for licensure of private  
35 prison contractors, to develop and provide, in conjunction with the depart-  
36 ment of administration, a uniform contract for use by local contracting au-  
37 thorities in contracting with private prison contractors, to review records  
38 and historical information of all prisoners proposed to be housed in private  
39 prison facilities and to approve or reject the housing of all prisoners, to  
40 monitor the status of insurance of private prison contractors, to approve  
41 suitable training programs for firearm certification for employees of pri-  
42 vate prison contractors and to approve suitable drug testing programs for

1 prisoners housed with private prison contractors. All final decisions by  
2 the board shall be subject to review pursuant to the provisions and proce-  
3 dures of the administrative procedure act, chapter 52, title 67, Idaho Code.

4 (45) The state board of correction is authorized to provide medical  
5 and counseling services to those prisoners who have been exposed to the  
6 HIV (human immunodeficiency virus) which causes acquired immunodeficiency  
7 syndrome (AIDS) or who have been diagnosed as having contracted a human im-  
8 munodeficiency viral disease.

9 (56) The state board of correction should provide educational and in-  
10 formational services to prisoners housed in Idaho and to its department em-  
11 ployees in order to assure that the transmission of HIV within correctional  
12 facilities is diminished.