

LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature

First Regular Session - 2015

IN THE SENATE

SENATE BILL NO. 1136

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO PAROLE; AMENDING SECTION 20-229B, IDAHO CODE, TO PROVIDE THAT HEARING OFFICERS SHALL HAVE CERTAIN POWERS AND DUTIES WHEN A PAROLE VIOLATION OCCURS.

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

SECTION 1. That Section 20-229B, Idaho Code, be, and the same is hereby amended to read as follows:

20-229B. COMMISSION RULINGS. (1) After a factual parole revocation hearing has been concluded, the member or members of the commission for pardons and parole or the designated hearing officer, having heard the matter, shall enter a decision within twenty (20) days. If the alleged parole violator waives the parole hearing pursuant to the provisions of section 20-229A(3), Idaho Code, then a decision shall be entered upon acceptance of the waiver.

(2) If the member or members or hearing officer, having heard the matter, should conclude that the allegations of violation of the conditions of parole have not been proven by a preponderance of the evidence, or those which have been proven by a preponderance of the evidence are not sufficient cause for the revocation of parole, then the parolee shall be reinstated on parole on the same or modified conditions of parole.

(3) Except as otherwise provided in subsection (4) of this section, if the member or members or hearing officer, having heard the matter, should conclude that the allegations of violation of the conditions of parole have been proven by a preponderance of the evidence and the violation does not result from a conviction of a new felony or violent misdemeanor, then the commission or the hearing officer shall:

(a) Cause the parolee to be confined for a period of up to ninety (90) days effective immediately upon entering the decision;

(b) For a second parole violation, cause the parolee to be confined for a period of up to one hundred eighty (180) days effective immediately upon entering the decision; or

(c) For a third or subsequent parole violation, convene a dispositional hearing during a regular session of the commission to execute an order of parole revocation and determine the period of time the parole violator shall be returned to state custody.

(4) If the member or members or hearing officer, having heard the matter, should conclude that the allegations of violation of parole by absconding supervision have been proven by a preponderance of the evidence, then the commission or the hearing officer shall:

(a) Cause the parolee to be confined for a period of up to one hundred eighty (180) days effective immediately upon entering the decision; or

(b) For a second or subsequent parole violation by absconding supervision, convene a dispositional hearing during a regular session of the commission to execute an order of parole revocation and determine the period of time the parole violator shall be returned to state custody.

5 (5) If the commission or the hearing officer causes a parolee to be con-
6 fined under subsection (3)(a), (3)(b) or (4)(a) of this section, then the
7 commission or the hearing officer may reduce the period of confinement by up
8 to thirty (30) days if the commission or the hearing officer finds that there
9 has been no instance of misconduct during the period of time the parolee is
10 confined.

(6) Upon completion of a term of confinement under this section, accounting for any reduction in subsection (5) of this section, the parolee shall be released to parole supervision.