

MINUTES  
**HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE**  
**MCDONALD SUBCOMMITTEE**  
Subcommittee on Proclamation Rules

**DATE:** Wednesday, January 21, 2015

**TIME:** Upon Adjournment of House Judiciary, Rules and Administration

**PLACE:** Room EW42

**MEMBERS:** Chairman McDonald, Representatives Malek, Nate, Scott, Wintrow

**ABSENT/  
EXCUSED:** Rep. Wintrow

**GUESTS:** Susan Gambee, CSR Board; Kerry Hong, ISL; Steve Bywater, IDOC; Holly Koole, IPAA; Sandy Jones, Parole Commission; Henry Atencio, IDOC; Terry Kirkham, IDOC; Ashley Dowell, IDOC; Karin Magnelli, IDOC; L. Washington, IDOC; Shane Evans, IDOC; Roger Hales, IROL and CSHR; Tancy Corey, Shorthand Reporters; Alan Anderson, Idaho Correctional Industries; Les Morales, ACLU Idaho, Andrea Sprengel, Correctional Industries; Dennis Stevenson, Rules Coordinator.

**Chairman McDonald** called the meeting to order at 1:46 PM.

**DOCKET NOS. 06-0102-1401, 06-0102-1501:** **Andrea Sprengel**, Services Manager for Idaho Correctional Industries, presented both **Docket No. 06-0102-1401**, the very first rule for the Board of Correction, which creates terms and conditions for the agricultural inmate work program operated by Correctional Industries; as well as, **Docket No. 06-0102-1501**, which revises the method used to compensate inmate workers and requires that inmate workers be compensated pursuant to a graduated scale and limits the use of program funds by the Idaho Department of Correction.

**Ms. Sprengel** stated that **Docket No. 06-0102-1401**, addresses the prevention of non-inmate worker displacement and the safety and security of inmates on work sites. Before entering into a contract with a private employer Correctional Industries and the Department of Correction will evaluate the work sites. To address non-inmate displacement, each contract will include a statement that the employer was not able to employ a sufficient number of non-inmate employees and Correctional Industries will acquire on an annual basis, the prevailing wage for similar work, from the Department of Labor. They will use this wage for the billing rate and will include any additional costs the employer avoids by employing inmate workers.

In regard to **Docket No. 06-0102-1501**, **Ms. Sprengel**, stated that any funds received from private agricultural employers for the employment of inmates, are deposited into the Correctional Industries Betterment Account. These funds can then be dispersed between Correctional Industries, the Department of Correction and the Idaho Victim's Compensation Fund. Funds dispersed to Correctional Industries are used to cover costs including salaries and program operating costs. Funds dispersed to the Department of Correction are used to offset incarceration costs, supplement education opportunities and provide re-entry resources. The Inmate's wages are deposited into their trust account, from which the Department of Corrections deducts any court ordered financial obligations, such as child support and restitution.

In response to a question on **Docket No. 06-0102-1401**, **Ms. Sprengel** explained that the primary purpose for acquiring a prevailing wage from the Department of Labor is to ensure they are not providing inmate labor at a discount, so as to incentivize private employers to use inmates instead of non-inmate workers.

In response to a question on **Docket No. 06-0102-1501**, **Ms. Sprengel** explained that there is no fiscal impact because Correctional Industries is self funded; and any remaining funds would go into the Correctional Industries Betterment Account to assist in fulfilling their mission to reduce recidivism.

In response to a question, **Ms. Sprengel** clarified that any contribution to the Idaho Victim's Compensation Fund does not come from inmate's wages, it comes from additional funding Correctional Industries receives.

**MOTION:** **Rep. Malek** made a motion to recommend the full committee approve **Docket No. 06-0102-1401**. **Motion carried by voice vote.**

**MOTION:** **Rep. Malek** made a motion to recommend the full committee approve **Docket No. 06-0102-1501**. **Motion carried by voice vote.**

In response to an earlier question, **Karin Magnelli**, Deputy Attorney General for the Board of Correction, clarified that the amount taken for court ordered financial obligations from an inmate's trust account is fifty percent of whatever funds the inmate receives, regardless of whether those funds were transferred by Correctional Industries or another source.

**DOCKET NO. 06-0201-1501:** **Scott Bywater**, Consultant for the Idaho Department of Correction, presented **Docket No. 06-0201-1501**, which creates new rules for the supervision of offenders on probation or parole by the Department of Correction's Probation and Parole Division for the purpose of identifying requirements and standards for supervising offenders and establishing a standard response matrix for offenders. He stated that the intention is for the Department to be able to focus its attention on the high and moderate risk offenders in order to better utilize their resources.

**MOTION:** **Rep. Malek** made a motion to recommend the full committee approve **Docket No. 06-0201-1501**. **Motion carried by voice vote.**

**DOCKET NO. 06-0202-1501:** **Scott Bywater**, Consultant for the Idaho Department of Correction, presented **Docket No. 06-0202-1501**, which establishes a limited supervision unit within the Idaho Department of Correction's Probation and Parole Division and identifies requirements and procedures for the unit and offenders. The Limited Supervision Unit (LSU) will be supervised by a POST certified Probation and Parole Officer, and will require the parolee report online quarterly and undergo review of their record and progress toward completion of legal and financial obligations every six months. The parolee will undergo two evaluations, the first is for qualifying factors and the second is for disqualifying factors.

In response to a question, **Mr. Bywater** clarified that if a parolee meets early discharge criteria but has not been released, per JRI statutes they qualify for the Limited Supervision Unit regardless of any disqualifying factors. The Limited Supervision Unit is an intermediate option between discharge and full supervision.

**MOTION:** **Rep. Malek** made a motion to recommend the full committee approve **Docket No. 06-0202-1501**. **Motion carried by voice vote.**

**DOCKET NO. 06-0203-1501:** **Shane Evans**, Chief of the Division of Education Treatment and Re-entry for the Department of Correction, presented **Docket No. 06-0203-1501**, which creates new rules regulating issues of an inmate's readiness for reentry into the community. The rules also identify requirements and standards for preparing inmates for release from custody. The Division of Education Treatment and Reentry will develop the process by which they can most effectively move offenders through the system, provide the programs and treatment the offenders need and release them, with public safety in mind, as promptly as possible into communities with supervision.

**MOTION:** **Rep. Malek** made a motion to recommend the full committee approve **Docket No. 06-0203-1501**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:43 PM.

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Representative McDonald  
Chair

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Katie Butcher  
Secretary