

To: Senate
Judiciary & Rules Committee
Chairman Lodge
Vice-Chairman Nonini

From: Business Operations Manager, Jack Carpenter

Date: February 1, 2016

Re: Idaho Commission of Pardons and Parole pending rules. Docket 50-0101-1501

Chairman Lodge, Vice Chairman Nonini, and Committee Members

Most of our rule changes this year are fairly minor and won't create a significant impact to the Agency. Many of these changes are focused on clarifying language, making processes more transparent, and bringing our rules into compliance with statutes.

The following are proposed changes with a brief explanation.

1. Removes infractions from the definitions of "non-technical violation" and "technical violation". **Section 010 Definitions Page 75**
2. Clarifies the Executive Director's authority to recall a decision: This authority was already in place. We simply wanted to clarify it in our rules. *IC20-210, Section 200 Decisions, Page 80*
3. Adds provisions for confidential evaluations of substance abuse. *IC20-223, Section 200, Hearing Process, page 78*
4. Provides additional explanation of conditions of a parole contract including sanctions and rewards and that the conditions be in writing and signed by the parolee. *IC20-223, Section 250 Parole, page 82*
5. Clarifies what constitutes excessive alcohol use: We changed the wording to mirror a standard condition of parole which states that NO alcohol use is allowed. *IC 20-228, Section 250, Parole Page 83*
6. Removes reference to institutional parole. Please reject this sub-section 250.05 page 83 only as we may need to use this section in regards to the 90/180 day sanctions for parole violators. **Section 250.50, Institutional Parole, page 83**
7. Authorizes violation hearing officers to implement 90/180 day sanctions without appearing before the Commission. *IC20-229B, Section 400, Parole Revocation, pages 88-89*
8. Provides Violation Hearing Officers the authority to impose sanctions: This is intended to match language that was placed into statute during last year's Legislative Session. *IC 20-229B, Section 400 Parole Revocation Process Page 89*
9. Implements firearms restoration conditions and guidelines: We added clarifying language to make the process by which someone may apply to have their firearms rights restored more transparent and easier to understand. *IC18-310, Section 551 Restoration of Firearms, pages 95 & 96*
10. Removes reference to staff progress reports: This section does not need to be in rule. any longer. We are asking to delete it this section as the use of staff progress reports to request parole by staff has is not a best practice and has never been used. Offenders have the SIPR

process to request a reconsideration of a commission decision. **Section 552, Staff Initiated Progress Report, Page 96**

- 11.** Provides guidelines for a prisoner transfer to his country of citizenship under the Foreign National Treaty: An MOU was signed in 2006 by the Governor, The Department of Correction, and the Parole Commission granting the Parole Commission the authority to comply with the Foreign National Treaty. This process simply needed to be added to our IDAPA rules. **IC20-104, Section 800, Foreign National Treaty, Page 98**