

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 427

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO THE STATE BOARD OF CORRECTION; AMENDING SECTION 20-240, IDAHO
2 CODE, TO REMOVE PROVISIONS REGARDING COMMUTATIONS AND PARDONS AND TO
3 MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 2, TITLE 20, IDAHO
4 CODE, BY THE ADDITION OF A NEW SECTION 20-240A, IDAHO CODE, TO AUTHORIZE
5 THE COMMISSION OF PARDONS AND PAROLE TO GRANT COMMUTATIONS AND PARDONS,
6 TO PROVIDE FOR APPROVAL OR DISAPPROVAL BY THE GOVERNOR IN CERTAIN IN-
7 STANCES, TO PROVIDE FOR CERTAIN CRIMES WHERE THE COMMISSION SHALL HAVE
8 FULL AND FINAL AUTHORITY, AND TO PROVIDE THAT THE COMMISSION SHALL CON-
9 DUCT PROCEEDINGS PURSUANT TO CERTAIN RULES AND REGULATIONS.
10

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

12 SECTION 1. That Section 20-240, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 20-240. ~~RESPITES, AND REPRIEVES, COMMUTATIONS AND PARDONS -- TREASON~~
15 ~~OR IMPEACHMENT.~~ (1) The governor shall have power to grant respites or re-
16 prievies in all cases of convictions for offenses against the state, except
17 treason or imprisonment on impeachment, but such respites or reprieves shall
18 not extend beyond the next session of the commission; and such commission
19 shall at such session continue or determine such respite or reprieve, or may
20 commute or pardon the offense as herein provided.

21 (2) In cases of conviction of treason, the governor shall have the power
22 to suspend the execution of the sentence until the case shall be reported to
23 the legislature at its next regular session, when the legislature shall ei-
24 ther pardon or commute the sentence, direct its execution or grant a further
25 reprieve. ~~The commission shall have full and final authority to grant commu-~~
26 ~~tations and pardons except with respect to sentences for murder, voluntary~~
27 ~~manslaughter, rape, kidnapping, lewd and lascivious conduct with a minor~~
28 ~~child, and manufacture or delivery of controlled substances. The commis-~~
29 ~~sion shall conduct commutation and pardon proceedings pursuant to rules and~~
30 ~~regulations adopted in accordance with law and may attach such conditions~~
31 ~~as it deems appropriate in granting pardons or commutations. With respect~~
32 ~~to commutations and pardons for the offenses named above, the commission's~~
33 ~~determination shall only constitute a recommendation subject to approval~~
34 ~~or disapproval by the governor. No commutation or pardon for such named of-~~
35 ~~fenses shall be effective until presented to and approved by the governor.~~
36 Any commutation or pardon recommendation not so approved within thirty (30)
37 days of the commission's recommendation shall be deemed denied.

38 SECTION 2. That Chapter 2, Title 20, Idaho Code, be, and the same is
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
40 ignated as Section 20-240A, Idaho Code, and to read as follows:

1 20-240A. COMMUTATIONS AND PARDONS. (1) The commission shall have full
2 and final authority to grant commutations and pardons after conviction and
3 judgment in all cases of offenses against the state except treason or im-
4 peachment and as otherwise provided in this section.

5 (2) With respect to commutations and pardons for offenses, or conspir-
6 acies to commit any offense, for which the maximum punishment allowed by law
7 at the time of sentencing is death or life imprisonment, the commission's
8 determination shall only constitute a recommendation subject to approval
9 or disapproval by the governor. No commutation or pardon for such offenses
10 shall be effective until presented to and approved by the governor. Any com-
11 mutation or pardon recommendation not so approved within thirty (30) days of
12 the commission's recommendation shall be deemed denied.

13 (3) Notwithstanding subsection (2) of this section, the commission
14 shall have full and final authority to grant pardons and commutations for:

15 (a) Any offense in violation of chapter 27, title 37, Idaho Code, for
16 which the maximum punishment allowed by law at the time of sentencing is
17 life imprisonment; and

18 (b) Any offense for which the maximum punishment allowed by law at the
19 time of sentencing is enhanced by chapter 25, title 19, Idaho Code, to
20 life imprisonment.

21 (4) The commission shall conduct commutation and pardon proceedings
22 pursuant to rules and regulations adopted in accordance with law and may
23 attach such conditions as it deems appropriate in granting pardons or commu-
24 tations.