

TITLE 20
STATE PRISON AND COUNTY JAILS

CHAPTER 1
STATE PENITENTIARY

20-101. ESTABLISHMENT AND USE OF PENITENTIARY AND REHABILITATION CENTERS. There shall be continually maintained for the care and custody of prisoners in Idaho, correctional facilities, and state rehabilitation centers, for use by the state board of correction located in the county of Ada and at such other places in the state of Idaho as may be determined by the board of correction; provided however that no facility may be acquired except as provided by law. All offenders convicted and sentenced according to law to imprisonment in the state prison, shall be committed to the custody of the state board of correction. All persons convicted of crimes against the laws of this state, and sentenced to confinement in the state prison shall be committed to the custody of the state board of correction, and must, during the term of their confinement, perform such labor under such rules and regulations as may be prescribed by the state board of correction.

[(20-101) Part of R.S., sec. 8500 and 1890-1891, p. 21, sec. 1; reen. 1899, p. 13, sec. 1; compiled R.C. & C.L., sec. 8460; C.S., sec. 9355; I.C.A., sec. 20-101; am. 1970, ch. 143, sec. 5, p. 425; am. 1971, ch. 331, sec. 1, p. 1299.]

20-101A. GOOD CONDUCT REDUCTION OF SENTENCES. Each person convicted of an offense against the state, which was committed prior to July 1, 1986, and confined in a penal or correctional institution for a definite term other than for life, whose record of conduct shows that he has faithfully observed all the rules and has not been subject to punishment, is entitled to a deduction from the term of his sentence beginning with the day on which the sentence starts to run as follows:

- (1) Five (5) days for each month, if the sentence is not less than six (6) months and not more than one (1) year.
- (2) Six (6) days for each month, if the sentence is more than one (1) year and less than three (3) years.
- (3) Seven (7) days for each month, if the sentence is not less than three (3) years and less than five (5) years.
- (4) Eight (8) days for each month if the sentence is not less than five (5) years and less than ten (10) years.
- (5) Ten (10) days for each month, if the sentence is ten (10) years or more.

When two (2) or more consecutive sentences are served, the basis upon which the deduction is computed is the aggregate of several sentences.

In addition, those inmates doing an outstanding job, may be awarded industrial or meritorious goodtime under rules adopted by the state board of correction, not to exceed five (5) days per month.

Inmates performing exceptionally meritorious or outstanding services under rules adopted by the state board of correction may be awarded a lump sum of goodtime. The number of days awarded may not exceed the regulatory maximum.

[I.C., sec. 20-101A, as added by 1971, ch. 96, sec. 1, p. 208; am. 1972, ch. 30, sec. 1, p. 44; am. 1986, ch. 322, sec. 1, p. 789.]

20-101B. FORFEITURE OF GOOD CONDUCT REDUCTION. Inmates who fail to observe faithfully the rules of the institution may have goodtime withheld or forfeited under rules adopted by the state board of correction.

Forfeited or withheld goodtime may only be restored by the board of correction or its authorized agent.

Such revocation or forfeiture shall not be made except upon a hearing upon the question of the infraction of the rules charged to such convicted person before the state board of correction or its authorized agent.

[I.C., sec. 20-101B, as added by 1971, ch. 96, sec. 2, p. 208; am. 1976, ch. 32, sec. 1, p. 69.]

20-101C. FURLOUGH -- CONDITIONS -- FAILURE TO RETURN -- SPECIFICALLY AUTHORIZED FOR FUNERALS AND ACCIDENT OR ILLNESS. The state board of correction or its designee shall, in its discretion have the power to establish rules and regulations under which an inmate may be privileged to furlough but to remain while on such leave in the legal custody and under the control of the state board of correction.

Before authorizing the furlough of an eligible inmate, the board of correction or its designee shall have said inmate appear before such board or designee and shall interview said inmate. An inmate shall be placed on furlough only when there has been made:

(1) an administrative verification of the reason for which the inmate requests furlough;

(2) arrangements for supervision, maintenance and care while on furlough;

(3) verification that travel arrangements directly to and from the place of destination, with all expenses paid by the inmate or his family; provided however, that in the case of an indigent inmate, said expenses may be satisfied from the inmate welfare fund;

(4) a determination of the leave duration, provided, however, that such leave may not exceed seventy-two (72) hours except in the case of a medical furlough for the purpose of diagnosis or treatment of a serious illness or injury;

(5) provision for signing a waiver of extradition;

(6) a determination and establishment in writing of any and all other conditions, terms and incidents requisite to such furlough;

(7) there are no detainers against said inmate; and

(8) said inmate has been classified to minimum custody for a minimum of six (6) months immediately prior to the granting of said furlough and has been recognized for meritorious performance by the board of correction or its delegated authority while so classified to minimum custody, except in the case of a medical furlough for diagnosis or treatment of a serious illness or injury. Medical furlough inmates may be classified to minimum custody for less than a six (6) month period and need not be recognized for meritorious performance.

Condition (8) need not be met when the inmate has been classified to minimum custody and has been released to one of the department of corrections's [correction's] community work centers.

The voluntary and wilful failure of any inmate to abide by the terms of said furlough or to return to the state penitentiary prior to or at the expiration of the time allowed for such furlough shall be considered an escape or attempt to escape, as the case may be, from the custody of the state board of correction and shall be punishable pursuant to section 18-2505, Idaho Code.

Furlough is authorized for diagnosis or treatment of a serious illness or injury, funerals, serious illness or accidents of the immediate family of the inmate, family visitation, to seek employment, and such other purposes that contribute to and promote a transition from confinement to the free society.

Immediate family is defined as a mother or father, brothers, or sisters, of the whole or halfblood, a wife or husband, or lawful issue.

The board of correction or its designee shall notify local law enforcement officials in the county where the inmate is to be furloughed a reasonable time prior to placing said inmate on furlough. Such notice shall be in writing, provided, however, that such notice may be oral if exigencies require it. Due consideration will be given to the law enforcement decision.

[20-101C, added 1971, ch. 166, sec. 1, p. 789; am. 1974, ch. 200, sec. 1, p. 1519; am. 1981, ch. 53, sec. 1, p. 81; am. 1995, ch. 34, sec. 1, p. 52.]

20-101D. MERITORIOUS REDUCTION OF SENTENCE. (1) Each person convicted of an offense against the state committed on or after July 1, 1986, sentenced and confined in a state correctional facility for any term other than life, may be awarded a meritorious conduct reduction of their sentence by the director of the department of correction. Meritorious conduct reduction of the sentence may be awarded when an inmate completes an extraordinary act of heroism at the risk of his own life or for outstanding service to the state of Idaho which results in the saving of lives, prevention of destruction or major property loss during a riot, or the prevention of an escape from a correctional facility. The award of a meritorious conduct reduction may be given under rules adopted by the Idaho board of correction. The number of days awarded may not exceed fifteen (15) days for each month sentenced.

(2) For each inmate sentenced for a crime committed on or after July 1, 1986, the director of the department of correction may withdraw a meritorious conduct reduction awarded pursuant to subsection (1) of this section according to rules of the board of correction.

[20-101D, added 1986, ch. 322, sec. 2, p. 790.]

20-102. PENITENTIARY PERMANENT ENDOWMENT FUND. (1) There is established in the state treasury the penitentiary permanent endowment fund. This fund is perpetually appropriated for the beneficiaries of the endowment. The fund shall be managed and invested by the endowment fund investment board according to law and the policies established by the state board of land commissioners. The fund principal shall forever remain intact. The fund shall be a permanent fund and shall consist of the following:

(a) Proceeds of the sale of lands granted to the state of Idaho by the United States government in the Idaho Admission Bill, 26 Stat. L. 215, ch. 656, known as penitentiary endowment lands, and lands granted in lieu thereof;

(b) Proceeds of royalties arising from the extraction of minerals on penitentiary endowment lands owned by the state; and

(c) Moneys allocated from the penitentiary earnings reserve fund.

(2) Proceeds from the sale of penitentiary endowment lands may first be deposited into the land bank fund established in section 58-133, Idaho Code, to be used to acquire other lands within the state for the benefit of the beneficiaries of the penitentiary endowment. If the land sale proceeds are not used to acquire other lands in accordance with section 58-133, Idaho Code,

the land sale proceeds shall be deposited into the penitentiary permanent endowment fund along with any earnings on the proceeds.

(3) Earnings from the investment of the penitentiary permanent endowment fund shall be distributed according to the provisions of section 57-723A, Idaho Code.

[20-102 added 1998, ch. 256, sec. 2, p. 827.]

20-102A. PENITENTIARY EARNINGS RESERVE FUND. (1) There is established in the state treasury the penitentiary earnings reserve fund. The fund shall be managed and invested by the endowment fund investment board according to law and the policies established by the state board of land commissioners. The fund shall consist of the following:

- (a) All earnings of the penitentiary permanent endowment fund;
- (b) Proceeds of the sale of timber growing upon penitentiary endowment lands;
- (c) Proceeds of leases of penitentiary endowment lands;
- (d) Proceeds of interest charged upon deferred payments on penitentiary endowment lands or timber on those lands; and
- (e) All other proceeds received from the use of penitentiary endowment lands and not otherwise designated for deposit in the penitentiary permanent endowment fund.

(2) Moneys shall be distributed out of the penitentiary earnings reserve fund only to support the beneficiaries of the penitentiary endowment, including distributions by the state board of land commissioners to the penitentiary permanent endowment fund and the penitentiary income fund; provided, that funds shall not be appropriated by the legislature from the penitentiary earnings reserve fund except to pay for administrative costs incurred managing the assets of the penitentiary endowment including, but not limited to, real property and monetary assets.

[20-102A, added 1998, ch. 256, sec. 3, p. 828.]

20-103. PENITENTIARY INCOME FUND. There is established in the state treasury the penitentiary income fund. The fund shall consist of all moneys distributed from the penitentiary earnings reserve fund and from other sources as the legislature deems appropriate. Moneys in the penitentiary income fund shall be used to benefit the beneficiaries of the penitentiary endowment and distributed to current beneficiaries of the penitentiary endowment pursuant to legislative appropriation.

[20-103 added 1998, ch. 256, sec. 5, p. 829.]

20-104. TRANSFER OF CONVICTED FOREIGN CITIZENS OR NATIONALS UNDER TREATY. If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of convicted offenders to the country of which they are citizens or nationals, the governor may, on behalf of the state and subject to the terms of the treaty, authorize the commission of pardons and parole to consent to the transfer or exchange of offenders and take any other action necessary to initiate the participation of this state in the treaty.

[20-104, added 1986, ch. 77, sec. 1, p. 235; am. 2018, ch. 243, sec. 1, p. 567.]

20-111. PRISONERS IN STATE PENITENTIARY -- JUSTIFIABLE KILLING OR WOUNDING. If any prisoner threatens personal injury to any officer, keeper

or guard of the state penitentiary or other place maintained by the state board of correction, or acts in such manner as may reasonably lead the officer, keeper or guard to believe his life or the life of any prisoner is in danger, or which leads the officer, keeper or guard, to believe the prisoner is attempting escape, then such officer, keeper or guard, may proceed forthwith to use any weapon he may have to enforce obedience, and if in so doing any prisoner shall be necessarily wounded or killed, the officer, keeper or guard is justified and shall be held guiltless. For purposes of this section, a facility operated by a private prison contractor and housing prisoners pursuant to a contract between the contractor and the state board of correction, as set forth in section 20-241A, Idaho Code, shall be deemed to be maintained by or under the control of the state board of correction.

[20-111, added 1949, ch. 143, sec. 1, p. 251; am. 2010, ch. 351, sec. 1, p. 915.]