

TITLE 20
STATE PRISON AND COUNTY JAILS

CHAPTER 10
IDAHO COMMISSION OF PARDONS AND PAROLE

20-1001. DEFINITIONS. As used in this chapter, unless the context clearly indicates or requires otherwise, the following terms shall be defined as follows:

- (1) "Board" means the state board of correction.
- (2) "Commission" means the Idaho commission of pardons and parole, which, in addition to any other duties and powers granted to it by law, shall be the board of pardons as described in section 7, article IV of the constitution of the state of Idaho, with all rights, powers, and authority that are granted to it by the constitution of the state of Idaho.
- (3) "Commissioner" means a member of the commission.
- (4) "Executive director" means the executive director of the commission.

[20-1001, added 2021, ch. 196, sec. 2, p. 525; am. 2024, ch. 164, sec. 4, p. 624.]

20-1002. COMMISSION CREATED -- APPOINTMENT -- QUALIFICATIONS -- TERMS -- MEETINGS -- COMPENSATION -- EXECUTIVE DIRECTOR AND STAFF. (1) There is hereby created the Idaho commission of pardons and parole. The governor shall appoint seven (7) commissioners, subject to the advice and consent of the senate.

(2) Commissioners shall serve at the pleasure of the governor and not more than four (4) commissioners shall be from any one (1) political party.

(3) Terms on the commission shall be for three (3) years, and vacancies in the commission for unexpired terms shall be filled by appointment by the governor for the remainder of the term. Commissioners may be reappointed for subsequent terms.

(4) The commission and the board may meet as necessary to exchange such information to enable each to effectively carry out their respective duties.

(5) The commission shall meet at such times and places as determined to be necessary and convenient, or at the call of the executive director, and in any event no less than quarterly.

(6) Two (2) commissioners may meet to make decisions on the disposition of parole violations. Such decisions must be unanimous, and in the event they are not unanimous, then the parole violation disposition decision will be made by a majority of the full commission either at the next quarterly meeting or special meeting.

(7) Three (3) commissioners may meet to make decisions to grant or deny parole. Such decisions must be unanimous, and in the event they are not unanimous, then the decision to grant or deny parole will be made by a majority of the full commission at the next quarterly meeting.

(8) Commissioners shall be compensated as provided by section [59-509](#)(i), Idaho Code, when attending quarterly meetings conducted at a date and time separate from a hearing session or other meetings approved by the executive director. Commissioners shall receive compensation of three hundred dollars (\$300) per commissioner per day when conducting parole, commutation, pardon, revocation or other hearings and shall be reimbursed

for actual and necessary expenses subject to the limitations provided in section [67-2008](#), Idaho Code.

(9) The governor shall appoint the executive director for the commission. The executive director shall be the full-time employee who shall report to, serve at the pleasure of, and be compensated as determined by the governor. The executive director shall be the official representative for the commission, shall be responsible for the managing and administration of daily commission business, shall assist the commission in carrying out all of its duties and powers as prescribed by law, and shall schedule business meetings and hearing sessions at times convenient to the commissioners. For each scheduled session, the executive director shall designate one (1) of the commissioners as the presiding officer for conducting the hearings. The executive director may hire such staff and employees as are approved by the governor. The executive director shall also have such other duties and responsibilities as the governor shall assign.

[(20-1002) 20-210, added 1947, ch. 53, sec. 10, p. 59; am. 1969, ch. 97, sec. 5, p. 329; am. 1974, ch. 6, sec. 2, p. 28; am. 1980, ch. 247, sec. 6, p. 586; am. 1991, ch. 166, sec. 1, p. 406; am. 1994, ch. 171, sec. 1, p. 383; am. 1998, ch. 355, sec. 1, p. 1113; am. 1999, ch. 311, sec. 1, p. 772; am. 2007, ch. 102, sec. 1, p. 306; am. 2017, ch. 182, sec. 1, p. 415; am. and redesig. 2021, ch. 196, sec. 3, p. 526; am. 2024, ch. 164, sec. 5, p. 624.]

20-1003. COMPLIANCE WITH OPEN MEETINGS LAW -- EXECUTIVE SESSIONS AUTHORIZED -- REPORT REQUIRED. (1) All meetings and hearings of the commission shall be held in accordance with the open meetings law as provided in [chapter 2, title 74](#), Idaho Code, except:

(a) An initial review of an application for a request for parole, pardon, commutation or firearm restoration may be held in executive session. The executive session shall be limited to a decision as to whether a hearing should be granted;

(b) When a hearing is granted, it will be conducted in open session. Pursuant to section [74-206](#), Idaho Code, deliberations and voting concerning the granting, revoking, reinstating or refusing of paroles; the granting or denying of pardons or commutations; or the granting or denying of firearm restorations shall be made in executive session;

(c) Votes of individual commissioners in arriving at the parole, pardon, firearm restoration or commutation decisions shall not be made public, provided that the commission shall maintain a record of the votes of the individual commissioners as required in subsection (3) of this section; and

(d) Meetings of less than a majority of the commission to make decisions concerning the grant or denial of parole or the disposition of parole violations as provided in section [20-1002](#), Idaho Code.

(2) In order to satisfy the requirements of section [74-203](#)(5), Idaho Code, when the commission meets using telecommunications devices, the executive director may designate an employee of the commission to be present at the physical location of the meeting.

(3) A written record of the vote to grant or deny parole, pardon, firearm restoration or commutation by each commissioner in each case reviewed by that commissioner shall be made by the commission. The record produced by the commission pursuant to this section shall be kept confidential and privileged from disclosure, provided the record shall be made

available, upon request, to the governor or the governor's representative, the chairman and most senior minority member of the senate judiciary and rules committee, and the chairman and most senior minority member of the house of representatives judiciary, rules and administration committee for all lawful purposes. All committee members and representatives of the governor's office shall keep such record confidential. Distribution of the report by a commissioner or an employee of the executive director to any person not specifically listed in this section shall be a misdemeanor.

(4) Nothing contained in this section shall prevent any person from obtaining the results of any parole, pardon, firearm restoration or commutation action by the commission without reference to the manner in which any individual commissioner voted, and the commission shall make such information public information.

(5) Nothing contained in this section shall prevent the executive director or designated staff of the executive director from attending any meeting, including an executive session of the commission.

(6) Nothing contained in this section shall prevent the governor, the governor's representative, the chairman and most senior minority member of the senate judiciary and rules committee, and the chairman and most senior minority member of the house of representatives judiciary, rules and administration committee from attending any meeting, including an executive session of the commission.

[(20-1003) 20-213A, added 1986, ch. 59, sec. 1, p. 168; am. 1988, ch. 29, sec. 1, p. 37; am. 1990, ch. 213, sec. 14, p. 499; am. 1992, ch. 278, sec. 1, p. 855; am. 1994, ch. 171, sec. 2, p. 384; am. 2000, ch. 362, sec. 1, p. 1199; am. 2017, ch. 58, sec. 9, p. 105; am. 2017, ch. 182, sec. 2, p. 416; am. 2017, ch. 217, sec. 1, p. 532; am. and redesig. 2021, ch. 196, sec. 4, p. 527; am. 2024, ch. 164, sec. 6, p. 625.]

20-1004. DUTIES AND POWERS OF THE COMMISSION. The commission shall:

(1) Have the powers relating to commutation, pardon and remission of fines and forfeitures as set forth in section 7, article IV of the Idaho constitution;

(2) Subject to and consistent with the provisions of this chapter and section [19-2513](#), Idaho Code, decide whether any prisoner who is eligible for parole may be released on parole;

(3) Subject to and consistent with the provisions of section 7, article IV of the constitution of the state of Idaho; [chapter 2, title 20](#), Idaho Code; and section [19-2513](#), Idaho Code; and in compliance with [chapter 52, title 67](#), Idaho Code, have the authority to promulgate rules to establish the procedures to carry out the provisions of this chapter, including procedures under which any eligible prisoner may be released on parole;

(4) Specify in writing the conditions of parole for every prisoner released on parole and provide every prisoner released on parole with a copy of the conditions of parole;

(5) Subject to and consistent with the provisions of this chapter, issue orders of final discharge from parole for eligible parolees; and

(6) Carry out all other duties and powers relating to the commission as set forth in Idaho Code.

[(20-1004) 20-210A, added 2014, ch. 150, sec. 7, p. 420; am. and re-desig. 2021, ch. 196, sec. 5, p. 528; am. 2024, ch. 164, sec. 7, p. 626.]

20-1005. RULES GOVERNING PAROLE -- LEGISLATIVE INTENT -- RESTRICTIONS -- REQUIRED PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION -- REQUIRED REPORT. (1) It is the intent of the legislature to focus prison space on those who commit the most serious offenses or who have the highest likelihood of offending in the future, and the commission, consistent with the provisions of this subsection, shall promulgate rules that establish clear guidelines and procedures that retain the commission's discretion in individual cases.

(2) Subject to the provisions of section [20-1004](#), Idaho Code, the commission shall have the power to establish rules under which any prisoner, excepting any under sentence of death, may be allowed to go upon parole but to remain while on parole in the legal custody and under the control of the board and subject to be taken back into confinement at the direction of the commission.

(3) Any prisoner who is granted parole under the interstate compact may be required to post a bond prior to release or prior to such acceptance under the interstate compact; such bond may be posted by the prisoner, the prisoner's family, or other interested party. Failure to successfully complete parole may be grounds for forfeiture of the bond. Upon successful completion of parole, the amount of the bond may be returned, less an amount for administrative costs as determined by commission rule, in compliance with [chapter 52, title 67](#), Idaho Code. A request shall be made for return of the bond within one (1) year of discharge of the offense for which the particular offender was serving parole. Funds collected through the bonding process will be placed in a separate commission receipts fund that is hereby created in the state treasury and utilized for the extradition of parole violators.

(4) No person serving a sentence for rape, incest, committing a lewd act upon a child, or with an intent or an assault with intent to commit any such crimes, or serving a sentence for sexual abuse of an animal or sexual abuse of human remains, or whose history and conduct indicate to the commission that the person is a sexually dangerous person, shall be released on parole except upon the examination and evaluation of one (1) or more psychiatrists or psychologists or mental health professionals designated for this purpose by the department to be selected by the commission, and such evaluation shall be duly considered by the commission in making its parole determination. The commission may, in its discretion, likewise require a similar examination and evaluation for persons serving sentences for crimes other than those described in this subsection. No person making such evaluation shall be held financially responsible to any person for denial of parole by the commission or for the results of the future acts of such person if granted parole.

(5) Before considering the parole of any prisoner, the commission shall ensure that a risk assessment has been conducted pursuant to section [20-224](#), Idaho Code, and shall afford the prisoner the opportunity to be interviewed by the commission, a commissioner, or other commission staff designated by the executive director. A designated report and risk assessment, prepared by commission staff or a designated department of correction employee, that is specifically to be used by the commission in making a parole determination shall be exempt from public disclosure; such reports contain information from the presentence investigation report, medical or psychological information, the results of a risk assessment, victim information, designated confidential witness information, and criminal history information. A parole shall be ordered when, in the discretion of the commission, it is in the best interests of society and the commission believes the prisoner is able and willing to fulfill the obligations of a law-abiding citizen.

Such determination shall not be a reward of clemency, and it shall not be considered to be a reduction of sentence or a pardon. The commission may also by its rules fix the times and conditions under which any application denied may be reconsidered. No action may be maintained against the commission or any individual commissioner in any court in connection with any decision taken by the commission to parole a prisoner, and neither the commission nor any individual commissioner shall be liable in any way for its action with respect thereto.

(6) In making any parole or commutation decision with respect to a prisoner, the commission shall consider the current risk assessment, criminal history, program participation, compliance and completion, institutional misconduct, and other individual characteristics related to the likelihood of offending in the future, as well as the compliance of the prisoner with any order of restitution that may have been entered according to section [19-5304](#), Idaho Code. The commission may make compliance with such an order of restitution a condition of parole.

(7) Except as provided in section [20-1004](#)(3), Idaho Code, no provision of [chapter 52, title 67](#), Idaho Code, shall apply to the commission.

(8) By February 1 of each year, the department and the commission shall submit a report to the governor, the senate judiciary and rules committee, and the house of representatives judiciary, rules, and administration committee that describes the most common reasons for delay or denial of release, including statistical data supporting the conclusions of the report.

[20-1005, added 2021, ch. 196, sec. 7, p. 530; am. 2022, ch. 124, sec. 25, p. 460; am. 2024, ch. 164, sec. 8, p. 627.]

20-1006. MEDICAL PAROLE -- REQUIRED REPORT. (1) Subject to the limitations of this section and section [20-1005](#), Idaho Code, and notwithstanding any fixed term of confinement or minimum period of confinement as provided in section [19-2513](#), Idaho Code, the commission may parole an inmate for medical reasons. A prisoner may be considered for medical parole only when the prisoner is permanently incapacitated or terminally ill and when the commission reasonably believes the prisoner no longer poses a threat to the safety of society.

(2) The commission shall annually prepare and send to the governor, the senate judiciary and rules committee, and the house of representatives judiciary, rules, and administration committee a report containing the name and current legal status of all persons granted parole pursuant to this section.

(3) As used in this section:

(a) "Permanently incapacitated" means a person who, by reason of an existing physical condition that is not terminal, is permanently and irreversibly physically incapacitated; and

(b) "Terminally ill" means person who has an incurable condition caused by illness or disease and who is irreversibly, terminally ill.

[20-1006, added 2021, ch. 196, sec. 8, p. 531.]

20-1007. CONDITIONS OF PAROLE TO BE SPECIFIED IN WRITING -- WARRANT FOR ARREST OF SUSPECTED VIOLATORS -- EFFECT OF SUSPENSION AND ARREST. (1) The commission, in releasing a person on parole, shall specify in writing the conditions of parole, and a copy of such conditions shall be given to the person paroled. The commission shall include in the conditions of parole a requirement that the defendant enter into and comply with an agreement of su-

pervision with the board of correction. The agreement of supervision shall include provisions setting forth the potential sanctions for a violation of the conditions imposed and potential rewards for compliance with the conditions imposed, as such sanctions and rewards are set forth in rules of the board.

(2) Whenever the commission finds that a parolee may have violated the conditions of parole, the written order of the commission, signed by a majority of the full commission, by a unanimous panel of three (3) commissioners, or by the executive director, shall be sufficient warrant for any law enforcement officer to take into custody such person, and it is hereby made the duty of all sheriffs, police, constables, parole and probation officers, prison officials and other peace officers to execute such order. Such warrant shall serve to suspend the person's parole until a determination on the merits of the allegations of the violation has been made pursuant to a revocation hearing. From and after the issuance of the warrant and suspension of the parole of any convicted person and until arrest, the parolee shall be considered a fugitive from justice. Such person so recommitted, except as provided in section [20-1010](#), Idaho Code, must serve out the sentence, and the time during which such prisoner was out on parole shall not be deemed a part thereof, unless the commission, in its discretion, shall determine otherwise, but nothing herein contained shall prevent the commission from again paroling such prisoners at its discretion.

[(20-1007) 20-228, added 1947, ch. 53, sec. 28, p. 59; am. 1970, ch. 105, sec. 1, p. 263; am. 1980, ch. 297, sec. 10, p. 772; am. 1994, ch. 171, sec. 3, p. 384; am. 1998, ch. 327, sec. 2, p. 1057; am. 2014, ch. 150, sec. 15, p. 428; am. and redesig. 2021, ch. 196, sec. 9, p. 532; am. 2024, ch. 164, sec. 9, p. 628.]

20-1008. PAROLE REVOCATION HEARING. (1) Whenever a paroled prisoner is accused of a violation of parole, other than by absconding supervision or the commission of, and conviction for, a felony or misdemeanor offense under the laws of this state, or any other state, or any federal laws, the parolee shall be entitled to a fair and impartial hearing of such charges within thirty (30) days from the date the accused is served with the charges of the violation of conditions of parole subsequent to arrest and detention. The hearing shall be held before one (1) or more commissioners or before an impartial hearings officer selected by the executive director. Such hearing shall be held at a place or places, within this state, reasonably near the site of the alleged violation or violations of parole. If the parolee has been supervised outside of the state of Idaho and such violations occurred outside of Idaho, the executive director or hearing officer shall determine the location of the hearing.

(2) Whenever a paroled prisoner is accused of a violation of parole by absconding supervision or the commission of, and conviction for, a felony or misdemeanor offense under the laws of this state, or any other state, or any federal laws, the parolee shall be entitled to a fair and impartial hearing within a reasonable time from the date the accused is served with such charges. The location of such hearing shall be determined by the executive director or hearing officer.

[(20-1008) 20-229, added 1970, ch. 105, sec. 3, p. 263; am. 1975, ch. 247, sec. 1, p. 661; am. 1980, ch. 297, sec. 11, p. 773; am. 1994, ch. 171,

sec. 4, p. 385; am. and redesiɡ. 2021, ch. 196, sec. 10, p. 532; am. 2024, ch. 164, sec. 10, p. 629.]

20-1009. NOTICE AND SERVICE TO AN ALLEGED PAROLE VIOLATOR -- WAIVER OF HEARING. (1) Within fifteen (15) calendar days following arrest and detention on a warrant issued by the commission, the alleged parole violator shall be personally served with a copy of the factual allegations of the violation of the conditions of parole by a state probation and parole officer, a law enforcement official or other as designated by the executive director. When accused of a violation of his parole, other than by absconding supervision or the commission of and conviction for a felony or misdemeanor, the alleged parole violator shall be advised of the right to an on-site parole revocation hearing and of procedural rights and privileges as provided by this act. The alleged parole violator, after service of the allegation of violations of the conditions of parole and the notification of rights, may waive the on-site parole revocation hearing as provided by section [20-1008](#), Idaho Code. If the alleged parole violator waives the right to an on-site hearing, the commission, executive director or hearing officer shall designate the facility where the hearing will be conducted.

(2) Whenever a paroled prisoner is accused of a violation of his parole by absconding supervision or the commission of and conviction for a felony or misdemeanor under the laws of this state, or any other state, or any federal laws, and following arrest and detention on a warrant issued by the commission, the alleged parole violator shall be personally served with a copy of the factual allegations of the violation of the conditions of parole within a reasonable time. The alleged parole violator shall be advised of the right to a hearing and all other rights and privileges as provided by this act. The executive director or hearing officer shall designate the facility where the hearing will be conducted. A fair and impartial hearing of the charges will be conducted within a reasonable time.

(3) The alleged parole violator may waive the right to any hearing, and at that time may admit one (1) or more of the alleged violations of the conditions of parole. If the waiver is accepted by the commission or hearing officer: (i) the parolee may be reinstated under the same or modified conditions, or (ii) the parolee shall be subject to an expedited determination by the commission consistent with the provisions of section [20-1010](#), Idaho Code, without a hearing. If all waivers made by the parolee are rejected by the commission or designated hearing officer, a parole revocation hearing shall be held either on-site or at a penitentiary facility.

[(20-1009) 20-229A, added 1970, ch. 105, sec. 4, p. 263; am. 1980, ch. 297, sec. 12, p. 773; am. 1983, ch. 249, sec. 1, p. 670; am. 1994, ch. 171, sec. 5, p. 385; am. 2014, ch. 150, sec. 16, p. 428; am. and redesiɡ. 2021, ch. 196, sec. 11, p. 533.]

20-1010. COMMISSION RULINGS AT A PAROLE REVOCATION HEARING. (1) After a factual parole revocation hearing has been concluded, the commissioner or commissioners or the designated hearing officer, having heard the matter, shall render a decision within twenty (20) days. If the alleged parole violator waives the parole hearing pursuant to the provisions of section [20-1009](#)(3), Idaho Code, then a decision shall be entered upon acceptance of the waiver.

(2) If the commissioner or commissioners 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 that 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) If the commissioner or commissioners 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 constitute sufficient cause for the revocation of parole, then a dispositional hearing shall be convened during a regular session of the commission to impose any sanctions up to and including executing an order of parole revocation and determine the period of time the parole violator shall be returned to state custody.

[(20-1010) 20-229B, added 1970, ch. 105, sec. 5, p. 263; am. 1994, ch. 171, sec. 6, p. 386; am. 2014, ch. 150, sec. 17, p. 429; am. 2015, ch. 295, sec. 1, p. 1173; am. 2016, ch. 267, sec. 1, p. 719; am. 2017, ch. 182, sec. 5, p. 420; am. and redesisg. 2021, ch. 196, sec. 12, p. 533.]

20-1011. IMMUNITY FROM PAROLE OR RELEASE OF A PRISONER. Neither a public entity nor a public employee or servant shall be financially responsible or liable for any injury resulting from determining whether to parole or release a prisoner or from determining the terms or conditions of his parole or release or from determining whether to revoke his parole or release.

[(20-1011) 20-231, added 1980, ch. 297, sec. 15, p. 774; am. and redesisg. 2021, ch. 196, sec. 13, p. 534.]

20-1012. FINAL DISCHARGE OF PAROLEE -- MINIMUM TERM. (1) When any paroled prisoner has performed the obligations of his parole for such time as shall satisfy the commission that his final release is not incompatible with his welfare and that of society, the commission may make the final order of discharge and issue to the paroled prisoner a certificate of discharge; but no such order of discharge shall be made in any case within a period of less than one (1) year after the date of release on parole, except that when the period of the maximum sentence provided by law shall expire at an earlier date, then a final order of discharge must be made and a certificate of discharge issued to the paroled prisoner not later than the date of expiration of said maximum sentence.

(2) The board may submit a request to the commission for an order of final discharge from the remaining period of parole for any parolee under the board's supervision at any time during the period of parole. A request for final discharge shall be supported by a statement attested to under oath or signed under penalty of perjury pursuant to section [9-1406](#), Idaho Code, setting forth the facts upon which the request is based. The commission shall notify the victim of a request for final discharge from parole. Any response to a request for final discharge shall be filed within thirty (30) days of the date of submittal of the request. The commission may, without a hearing, rule upon a request for final discharge based on a review of the case, the request, the statement and any responses to the request or may schedule a hearing on the request. The commission shall rule on the request for final discharge within ninety (90) days of the date of submittal of the request.

[(20-1012) 20-233, added 1947, ch. 53, sec. 33, p. 59; am. 1980, ch. 297, sec. 17, p. 774; am. 2014, ch. 150, sec. 18, p. 430; am. and redesisg. 2021, ch. 196, sec. 14, p. 534.]

20-1013. PAROLE INFORMATION TO BE TRANSMITTED TO THE SHERIFF AND COUNTY PROSECUTOR. Whenever any person committed to the custody of the board shall have been granted a parole by the commission, it shall be the duty of the commission to transmit to the sheriff and the prosecuting attorney of the county within which said prisoner shall be paroled a copy of the parole agreement and information as to the place of residence of said prisoner within said county, and the sheriff shall notify local law enforcement and other pertinent agencies.

[(20-1013) 20-234, added 1947, ch. 53, sec. 34, p. 59; am. 1970, ch. 143, sec. 10, p. 425; am. 1974, ch. 6, sec. 6, p. 28; am. 1980, ch. 297, sec. 18, p. 774; am. 1984, ch. 85, sec. 1, p. 168; am. and redesisg. 2021, ch. 196, sec. 15, p. 534.]

20-1014. 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 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.

[(20-1014) 20-104, added 1986, ch. 77, sec. 1, p. 235; am. 2018, ch. 243, sec. 1, p. 567; am. and redesisg. 2021, ch. 196, sec. 16, p. 535.]

20-1015. RESPITES AND REPRIEVES. (1) The governor shall have power to grant respites or reprieves in all cases of convictions for offenses against the state, except treason or imprisonment on impeachment, but such respites or reprieves shall not extend beyond the next session of the commission; and such commission shall at such session continue or determine such respite or reprieve, or may commute or pardon the offense as herein provided.

(2) In cases of conviction of treason, the governor shall have the power to suspend the execution of the sentence until the case shall be reported to the legislature at its next regular session, when the legislature shall either pardon or commute the sentence, direct its execution or grant a further reprieve.

[(20-1015) 20-240, added 1947, ch. 53, sec. 40, p. 59; 1969, ch. 419, sec. 8, p. 1160; am. 1988, ch. 323, sec. 1, p. 982; am. 2020, ch. 62, sec. 1, p. 145; am. and redesisg. 2021, ch. 196, sec. 17, p. 535.]

20-1016. COMMUTATIONS AND PARDONS. (1) The commission shall have full and final authority to grant commutations and pardons after conviction and judgment in all cases of offenses against the state except treason or impeachment and as otherwise provided in this section.

(2) The commission shall have authority to grant commutations and pardons after conviction and judgment for offenses, or conspiracies to commit any offense, for which the maximum punishment allowed by law at the time of sentencing is death or life imprisonment only after first presenting a recommendation to the governor. If the governor approves the commission's rec-

ommendation within thirty (30) days of presentment, the commission's pardon or commutation shall issue. If the governor rejects the commission's recommendation within thirty (30) days of presentment or takes no action on the recommendation before the passage of thirty (30) days from presentment, no pardon or commutation shall issue from the commission, and the commission's recommendation shall be of no force or effect.

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

(a) Any offense, or conspiracies to commit any offense, in violation of [chapter 27, title 37](#), Idaho Code, for which the maximum punishment allowed by law at the time of sentencing is life imprisonment; and

(b) Any offense, or conspiracies to commit any offense, for which the maximum punishment allowed by law at the time of sentencing is enhanced by [chapter 25, title 19](#), Idaho Code, to life imprisonment.

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

[(20-1016) 20-240A, added 2020, ch. 62, sec. 2, p. 145; am. and re-desig. 2021, ch. 196, sec. 18, p. 535; am. 2023, ch. 18, sec. 1, p. 129.]

20-1017. REQUIRED PUBLICATIONS AND LIMITATION ON APPLICATIONS FOR COMMUTATIONS AND PARDONS. (1) When applications for pardon or commutation are scheduled to be considered at a meeting of the commission, the executive director shall cause to be published in some newspaper of general circulation at Boise, Idaho, all notice required by the constitution of the state of Idaho immediately prior to the hearing. Such notices shall list the names of all persons making application for pardon or commutation, and a copy of such notice shall be provided to each prosecuting attorney of any county from which any such person was committed to the custody of the board.

(2) The commission may in its discretion consider but one (1) application for pardon or commutation from any one (1) person in any twelve (12) month period.

[(20-1017) 20-213, added 1947, ch. 53, sec. 13, p. 59; am. 1951, ch. 118, sec. 1, p. 273; am. 1969, ch. 419, sec. 2, p. 1160; am. 1980, ch. 297, sec. 1, p. 769; am. and redesig. 2021, ch. 196, sec. 19, p. 536.]

20-1018. NOTICE OF GRANTED PARDON, COMMUTATION, OR REMISSION OF FINES AND FORFEITURES. When, by action of the commission or the governor, a pardon, commutation, or remission of fines and forfeitures is granted as provided by law, the executive director shall:

(1) Retain an original pardon, commutation, or remission of fines and forfeitures document at the commission;

(2) File a copy of the original pardon, commutation, or remission of fines and forfeitures document in the office of the secretary of state;

(3) Provide an original pardon, commutation, or remission of fines and forfeitures document to the individual petitioner;

(4) File notice with the state courts, in a manner approved by the supreme court, that a pardon, commutation, or remission of fines and forfeitures has been granted in the case; and

(5) Provide such additional notice that a pardon, commutation, or remission of fines and forfeitures has been granted as the commission may adopt by rule.

[(20-1018) 20-240B, added 2020, ch. 60, sec. 1, p. 143; am. and re-desig. 2021, ch. 196, sec. 20, p. 536.]