

IN THE SENATE

SENATE BILL NO. 1136

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO PAROLE; AMENDING SECTION 20-229B, IDAHO CODE, TO PROVIDE THAT
2 HEARING OFFICERS SHALL HAVE CERTAIN POWERS AND DUTIES WHEN A PAROLE VIO-
3 LATION OCCURS.
4

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

6 SECTION 1. That Section 20-229B, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 20-229B. COMMISSION RULINGS. (1) After a factual parole revocation
9 hearing has been concluded, the member or members of the commission for
10 pardons and parole or the designated hearing officer, having heard the mat-
11 ter, shall enter a decision within twenty (20) days. If the alleged parole
12 violator waives the parole hearing pursuant to the provisions of section
13 20-229A(3), Idaho Code, then a decision shall be entered upon acceptance of
14 the waiver.

15 (2) If the member or members or hearing officer, having heard the mat-
16 ter, should conclude that the allegations of violation of the conditions
17 of parole have not been proven by a preponderance of the evidence, or those
18 which have been proven by a preponderance of the evidence are not sufficient
19 cause for the revocation of parole, then the parolee shall be reinstated on
20 parole on the same or modified conditions of parole.

21 (3) Except as otherwise provided in subsection (4) of this section, if
22 the member or members or hearing officer, having heard the matter, should
23 conclude that the allegations of violation of the conditions of parole have
24 been proven by a preponderance of the evidence and the violation does not re-
25 sult from a conviction of a new felony or violent misdemeanor, then the com-
26 mission or the hearing officer shall:

27 (a) Cause the parolee to be confined for a period of up to ninety (90)
28 days effective immediately upon entering the decision;

29 (b) For a second parole violation, cause the parolee to be confined for
30 a period of up to one hundred eighty (180) days effective immediately
31 upon entering the decision; or

32 (c) For a third or subsequent parole violation, convene a dispositional
33 hearing during a regular session of the commission to execute an order
34 of parole revocation and determine the period of time the parole viola-
35 tor shall be returned to state custody.

36 (4) If the member or members or hearing officer, having heard the mat-
37 ter, should conclude that the allegations of violation of parole by abscond-
38 ing supervision have been proven by a preponderance of the evidence, then the
39 commission or the hearing officer shall:

40 (a) Cause the parolee to be confined for a period of up to one hundred
41 eighty (180) days effective immediately upon entering the decision; or

1 (b) For a second or subsequent parole violation by absconding supervi-
2 sion, convene a dispositional hearing during a regular session of the
3 commission to execute an order of parole revocation and determine the
4 period of time the parole violator shall be returned to state custody.

5 (5) If the commission or the hearing officer causes a parolee to be con-
6 fined under subsection (3) (a), (3) (b) or (4) (a) of this section, then the
7 commission or the hearing officer may reduce the period of confinement by up
8 to thirty (30) days if the commission or the hearing officer finds that there
9 has been no instance of misconduct during the period of time the parolee is
10 confined.

11 (6) Upon completion of a term of confinement under this section, ac-
12 counting for any reduction in subsection (5) of this section, the parolee
13 shall be released to parole supervision.