

Dear Senators LAKEY, Lee, Burgoyne, and
Representatives CHANEY, Gannon:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Board of Correction:

IDAPA 06.02.02 - Rules Governing Release Readiness - Notice of Proclamation (Docket No.
06-0202-1901).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/24/2019. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/22/2019.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Judiciary & Rules Committee and the House Judiciary, Rules & Administration Committee

FROM: Principal Legislative Drafting Attorney - Ryan Bush

DATE: October 3, 2019

SUBJECT: Board of Correction

IDAPA 06.02.02 - Rules Governing Release Readiness - Notice of Proclamation (Docket No. 06-0202-1901)

Summary and Stated Reasons for the Rule

The Idaho State Board of Correction submits a notice of proclamation of rulemaking at IDAPA 06.02.02 - Rules Governing Release Readiness. The Board states that this rule change removes obsolete references and non-substantive sections and provides more concise language in compliance with the Governor's Red Tape Reduction Act.

Negotiated Rulemaking / Fiscal Impact

The Board states that negotiated rulemaking was not conducted because Idaho Code exempts them from negotiated rulemaking. There is no fiscal impact associated with this rulemaking.

Statutory Authority

These rules, promulgated by proclamation, appear to be within the statutory authority granted to the Board in Section 20-212, Idaho Code.

cc: Board of Correction
Mark Kubinski

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 06 – BOARD OF CORRECTION
06.02.02 – RULES GOVERNING RELEASE READINESS
DOCKET NO. 06-0202-1901
NOTICE OF PROCLAMATION OF RULEMAKING

EFFECTIVE DATE: Pursuant to Section 20-212(1), Idaho Code, all rules, or the amendment or repeal of rules shall be effective thirty (30) days after the date of publication by the Office of the Administrative Rules Coordinator or sooner by proclamation of the Board with the concurrence of the Governor. The effective date of this rule is November 1, 2019.

AUTHORITY: In compliance with Sections 67-5221(1) and 20-212(1), Idaho Code, notice is hereby given that this agency has promulgated rules by proclamation. Additionally, Section 20-212(1), Idaho Code, states that the rules of the Idaho State Board of Correction are subject to review of the Idaho State Legislature pursuant to Sections 67-454, 67-5291, and 67-5292, Idaho Code, but no other provisions of chapter 52, title 67, Idaho Code, apply to the Board, except as otherwise specifically provided by statute.

PUBLIC HEARING SCHEDULE: Pursuant to Section 20-212(1), Idaho Code, public hearings concerning this rulemaking will not be scheduled.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proclamation:

IDAPA 06.02.02, “Rules Governing Release Readiness,” removes obsolete references and non-substantive sections and provides more concise language in compliance with the Red Tape Reduction Act.

FEE SUMMARY: This rulemaking does not impose a fee or charge.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted because Section 20-212(1), Idaho Code, exempts the Idaho State Board of Correction from conducting negotiated rulemaking.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proclamation, contact Jamie Hess Smith at jamismit@idoc.idaho.gov.

Date this 20th day of August, 2019.

Josh Tewalt
Director
Idaho Department of Correction
1299 N. Orchard St., Suit 110
Boise, ID 83706
(208) 658-2000

THE FOLLOWING IS THE TEXT OF PROCLAMATION DOCKET NO. 06-0202-1901
(Only Those Sections With Amendments Are Shown)

010. DEFINITIONS.

- 01. Board.** The state of Idaho Board of Correction. (2-6-15)
- 02. Commission.** The state of Idaho Commission of Pardons and Parole. (2-6-15)
- 03. Department.** The state of Idaho Department of Correction. (2-6-15)
- 04. Director.** The director of the Idaho Department of Correction. (2-6-15)
- ~~**05. Motivational Interviewing.** An empathic goal-directed communication style used in both group and individual settings to help promote behavior change. (6-19-19)~~
- 06.5. Offender.** A person under the legal care, custody, supervision, or authority of the Board, including a person within or without the state of Idaho pursuant to agreement with another state or contractor. (2-6-15)
- ~~**07. Parolee.** An offender who: (2-6-15)~~
- ~~**a.** Is released from a facility by the paroling authority prior to the completion of his sentence; (2-6-15)~~
- ~~**b.** Agrees to comply with certain conditions established by the paroling authority; and (2-6-15)~~
- ~~**e.** Remains under the control of a probation and parole officer (PPO) for the established period of supervision. (2-6-15)~~
- 08.6. Rider.** An offender who: (2-6-15)
- a.** Is released from a facility by the judicial authority upon completing a retained jurisdiction period; (2-6-15)
- b.** Agrees to comply with certain conditions established by the judicial authority; and (2-6-15)
- c.** Remains under the control of a probation and parole officer (PPO) for the established period of supervision. (2-6-15)
- 09.7. Reception and Diagnostic Unit (RDU).** Initial housing for newly committed offenders - except those under sentence of death - where orientation, screening, assessment, and classification occur. (2-6-15)

011. ABBREVIATIONS. (RESERVED)

- ~~**01. PPO.** Probation and parole officer. (2-6-15)~~
- ~~**02. RDU.** Reception and Diagnostic Unit. (2-6-15)~~

012. OFFENDER PROGRAMMING.

- 01. Core Philosophies.** The department will deliver an offender program management philosophy that will embrace the following core concepts: (2-6-15)

- a. Strength-based (supportive accountability); (2-6-15)
 - b. Assertive case management; and (2-6-15)
 - c. Solution-focused interventions. (2-6-15)
- 02. Core Intervention Tools for Offender Engagement.** The department will only employ those intervention tools that foster respect and accountability without compromising the safe operation of its correctional facilities and probation and parole district offices. Intervention tools should enhance communication, technology, and partnerships, and include, but are not limited to, the following: (2-6-15)
- a. Communication methods designed to enhance motivation; (6-19-19)
 - b. Technology for tracking and oversight; and (2-6-15)
 - c. Collaboration with internal, public, and private entities. (2-6-15)
- 03. Reentry Plan.** The department will develop a reentry plan for all offenders utilizing the information obtained from the assessment and screening process. Program managers will use a multidisciplinary team approach to consider both the current needs of the offender and the transition and aftercare components of the reentry plan upon release of the offender into the community. PPOs will continue the reentry plan while the offender is in the community. (6-19-19)
- 04. Offender Assessment and Screening Instruments.** All offenders, including Riders, will undergo screening and assessment upon arrival to RDU to identify the crime-producing attributes of each offender. (2-6-15)
- a. The assessment and screening instruments to be approved and used by the Department shall be nationally recognized for assessing criminogenic needs of offender populations. ~~(2-6-15)~~(11-1-19)
 - ~~b. The department shall establish a process to approve the use of offender assessment and screening instruments. (2-6-15)~~
 - ~~eb.~~ Department will establish a training program for staff members to administer the offender assessment and screening instruments. (2-6-15)
- 05. Individual Assessments.** (2-6-15)
- a. The Department will identify factors that indicate when an individual assessment is necessary to further evaluate an offender's needs in specific areas such as mental health, substance abuse, responsivity factors, and sex offender attributes. (2-6-15)
 - b. Individual assessments will be administered by either trained department staff or community providers. (2-6-15)
- 06. Youth Offender Assessments.** The department will establish procedures and the assessment and screening instruments to be used to assess offenders who are under eighteen (18) years of age. (2-6-15)
- 07. Assessment and Reassessment Standards.** The Department shall establish assessment and reassessment standards for all screening and assessment tools. (2-6-15)
- 08. Parole Hearing Process.** Correctional case managers will ensure the summary status will be available at least ten (10) business days prior to the parole hearing in a manner and form established by the Department. (2-6-15)