

IN THE SENATE

SENATE BILL NO. 1370

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO CORRECTIONAL FACILITIES; AMENDING SECTION 20-209, IDAHO CODE,
2 TO REVISE PROVISIONS REGARDING CONTROL AND MANAGEMENT OF CORRECTIONAL
3 FACILITIES AND PRISONERS, TO PROVIDE FOR EMPLOYMENT OF PRISONERS IN
4 CERTAIN INSTANCES, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN
5 EMERGENCY.
6

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

8 SECTION 1. That Section 20-209, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 20-209. CONTROL AND MANAGEMENT OF CORRECTIONAL FACILITIES AND PRISON-
11 ERS -- REHABILITATIVE SERVICES -- RULES. (1) The state board of correction
12 shall have the control, direction, and management of such correctional fa-
13 cilities as may be acquired for use by the state board of correction and all
14 property owned or used in connection therewith, ~~and~~. The board shall provide
15 for the care, and maintenance and employment of all prisoners now or here-
16 inafter committed to its custody. The board may also provide for employment
17 of those prisoners housed at a correctional facility. Nothing in this sec-
18 tion creates a right to any employment.

19 (2) The state board of correction may provide or facilitate research-
20 based rehabilitative services at the discretion of the Idaho department of
21 correction and as resources permit for incarcerated and community-based of-
22 fenders. The rehabilitative services may include programs for behavioral
23 modification, education, vocational education, sexual offenders, substance
24 abuse, gender responsive programs, and other programs that correctional re-
25 search supports reduction of risk for offender populations. Nothing con-
26 tained in this subsection shall create any right to rehabilitative services.

27 (3) The state board of correction shall have the authority to enter into
28 contracts with private prison contractors for the site selection, design,
29 design/building, acquisition, construction, construction management,
30 maintenance, leasing, leasing/purchasing, management or operation of pri-
31 vate prison facilities or any combination of those services subject to the
32 requirements and limitations set forth in section 20-241A, Idaho Code.

33 (4) The state board of correction shall have the authority to promul-
34 gate rules required by law or necessary or desirable to carry out all duties
35 assigned to the department of correction pursuant to the provisions of chap-
36 ter 8, title 20, Idaho Code, which authority shall include the power and du-
37 ties to prescribe standards, rules, and procedures for licensure of private
38 prison contractors, to develop and provide, in conjunction with the depart-
39 ment of administration, a uniform contract for use by local contracting au-
40 thorities in contracting with private prison contractors, to review records
41 and historical information of all prisoners proposed to be housed in private
42 prison facilities and to approve or reject the housing of all prisoners, to

1 monitor the status of insurance of private prison contractors, to approve
2 suitable training programs for firearm certification for employees of pri-
3 vate prison contractors, and to approve suitable drug testing programs for
4 prisoners housed with private prison contractors. All final decisions by
5 the board shall be subject to review pursuant to the provisions and proce-
6 dures of the administrative procedure act, chapter 52, title 67, Idaho Code.

7 (5) The state board of correction is authorized to provide medical and
8 counseling services to those prisoners who have been exposed to ~~the~~ HIV (hu-
9 man immunodeficiency virus), which causes acquired immunodeficiency syn-
10 drome (AIDS), or who have been diagnosed as having contracted a human immun-
11 odeficiency viral disease.

12 (6) The state board of correction should provide educational and infor-
13 mational services to prisoners housed in Idaho and to its department employ-
14 ees in order to assure that the transmission of HIV within correctional fa-
15 cilities is diminished.

16 SECTION 2. An emergency existing therefor, which emergency is hereby
17 declared to exist, this act shall be in full force and effect on and after its
18 passage and approval.