

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 462

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO CRIMINAL PROCEDURE; AMENDING SECTION 19-2513, IDAHO CODE, TO  
2 REVISE A PROVISION REGARDING PAROLE FOR MERITORIOUS SERVICE AND MEDI-  
3 CAL PAROLE; AMENDING SECTION 19-2715, IDAHO CODE, TO PROVIDE A CORRECT  
4 CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
5 20-201, IDAHO CODE, TO REVISE A PROVISION REGARDING THE DEPARTMENT OF  
6 CORRECTION, TO PROVIDE FOR THE STATE BOARD OF CORRECTION, TO REMOVE A  
7 PROVISION REGARDING THE COMMISSION OF PARDONS AND PAROLE, AND TO MAKE A  
8 TECHNICAL CORRECTION; AMENDING SECTION 20-1001, IDAHO CODE, TO REVISE A  
9 DEFINITION AND TO DEFINE A TERM; AMENDING SECTION 20-1002, IDAHO CODE,  
10 TO REVISE PROVISIONS REGARDING THE COMMISSION OF PARDONS AND PAROLE;  
11 AMENDING SECTION 20-1003, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE  
12 A TECHNICAL CORRECTION; AMENDING SECTION 20-1004, IDAHO CODE, TO RE-  
13 VISE A PROVISION REGARDING DUTIES AND POWERS OF THE COMMISSION AND TO  
14 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-1005, IDAHO CODE, TO  
15 REVISE TERMINOLOGY; AMENDING SECTION 20-1007, IDAHO CODE, TO REVISE A  
16 PROVISION REGARDING A VIOLATION OF THE CONDITIONS OF PAROLE; AMENDING  
17 SECTION 20-1008, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION  
18 67-2601, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 182, LAWS OF 2023,  
19 AND BY SECTION 33, CHAPTER 220, LAWS OF 2023, TO PROVIDE FOR THE COMMIS-  
20 SION OF PARDONS AND PAROLE; AND DECLARING AN EMERGENCY AND PROVIDING AN  
21 EFFECTIVE DATE.  
22

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

24 SECTION 1. That Section 19-2513, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 19-2513. UNIFIED SENTENCE. (1) Whenever any person is convicted of  
27 having committed a felony, the court shall, unless it shall commute the  
28 sentence, suspend or withhold judgment and sentence or grant probation, as  
29 provided in chapter 26, title 19, Idaho Code, or unless it shall impose the  
30 death sentence as provided by law, sentence such offender to the custody of  
31 the state board of correction. The court shall specify a minimum period of  
32 confinement and may specify a subsequent indeterminate period of custody.  
33 The court shall set forth in its judgment and sentence the minimum period of  
34 confinement and the subsequent indeterminate period, if any, provided, that  
35 the aggregate sentence shall not exceed the maximum provided by law. During  
36 a minimum term of confinement, the offender shall not be eligible for parole  
37 or discharge or credit or reduction of sentence for good conduct except for  
38 meritorious service ~~except~~ as provided in section 20-101D, Idaho Code, or  
39 for medical parole as provided in section 20-1006, Idaho Code. The offender  
40 may be considered for parole or discharge at any time during the indetermi-  
41 nate period of the sentence and as provided in section 20-1006, Idaho Code.

1 (2) If the offense carries a mandatory minimum penalty as provided by  
 2 statute, the court shall specify a minimum period of confinement consistent  
 3 with such statute. If the offense is subject to an enhanced penalty as pro-  
 4 vided by statute, or if consecutive sentences are imposed for multiple of-  
 5 fenses, the court shall, if required by statute, direct that the enhance-  
 6 ment or each consecutive sentence contain a minimum period of confinement;  
 7 in such event, all minimum terms of confinement shall be served before any  
 8 indeterminate periods commence to run.

9 (3) Enactment of this amended section shall not affect the prosecution,  
 10 adjudication or punishment of any felony committed before the effective date  
 11 of enactment.

12 SECTION 2. That Section 19-2715, Idaho Code, be, and the same is hereby  
 13 amended to read as follows:

14 19-2715. MINISTERIAL ACTIONS RELATING TO STAYS OF EXECUTION, RESET-  
 15 TING EXECUTION DATES, AND ORDER FOR EXECUTION OF JUDGMENT OF DEATH. (1) Here-  
 16 after, no further stays of execution shall be granted to persons sentenced  
 17 to death except that a stay of execution shall be granted during an appeal  
 18 taken pursuant to section 19-2719, Idaho Code, during the automatic review  
 19 of judgments imposing the punishment of death provided by section 19-2827,  
 20 Idaho Code, by order of a federal court or as part of a commutation proceeding  
 21 pursuant to section ~~20-1015~~ 20-1016, Idaho Code.

22 (2) Upon remittitur or mandate after a sentence of death has been af-  
 23 firmed, the state shall apply for a warrant from the district court in which  
 24 the conviction was had, authorizing execution of the judgment of death. Upon  
 25 such application, the district court shall set a new execution date not more  
 26 than thirty (30) days thereafter.

27 (3) If a stay of execution is granted pursuant to subsection (1) of this  
 28 section and, as a result, no execution takes place on the date set by the dis-  
 29 trict court, upon termination of the stay, the state shall apply for another  
 30 warrant and, upon such application, the district court shall set a new execu-  
 31 tion date not more than thirty (30) days thereafter.

32 (4) If for any reason, other than those set forth in subsection (1) of  
 33 this section, a judgment of death has not been executed, and it remains in  
 34 force, the state shall apply for another warrant. Upon such application,  
 35 the district court may inquire into the facts, and, if no legal reason exists  
 36 against the execution of the judgment, must make an order that the warden ex-  
 37 ecute the judgment at a special specified time. The warden must execute the  
 38 judgment accordingly.

39 (5) Action of the district court under this section is ministerial  
 40 only. No hearing shall be required for setting a new execution date, and the  
 41 court shall inquire only into the fact of an existing death sentence and the  
 42 absence of a valid stay of execution.

43 (6) For purposes of this section, the phrase "stay of execution" shall  
 44 refer to a temporary postponement of an execution as a result of a court or-  
 45 der or an order of the governor postponing the execution while a petition for  
 46 commutation is pending.

47 SECTION 3. That Section 20-201, Idaho Code, be, and the same is hereby  
 48 amended to read as follows:

1           20-201. DEPARTMENT OF CORRECTION CREATED. There is hereby created the  
 2 department of correction, ~~which shall consist of the state board of cor-~~  
 3 ~~rection and the Idaho commission of pardons and parole. The state board of~~  
 4 correction, as outlined in section 5, article X of the constitution of the  
 5 state of Idaho, shall control, direct, and manage the department of correc-  
 6 tion consistent with the constitution of the state of Idaho and as required  
 7 by law. The department of correction shall, for the purposes of section  
 8 20, article IV, of the constitution of the state of Idaho, be an executive  
 9 department of state government. The Idaho commission of pardons and parole  
 10 will operate and function as outlined in chapter 10, title 20, Idaho Code,  
 11 and as otherwise provided by law.

12           SECTION 4. That Section 20-1001, Idaho Code, be, and the same is hereby  
 13 amended to read as follows:

14           20-1001. DEFINITIONS. As used in this chapter, unless the context  
 15 clearly indicates or requires otherwise, the following terms shall be de-  
 16 fined as follows:

17           (1) "Board" means the state board of correction.

18           (2) "Commission" means the Idaho commission of pardons and parole,  
 19 which, in addition to any other duties and powers granted to it by law, shall  
 20 be the board of pardons as described in section 7, article IV of the constitu-  
 21 tion of the state of Idaho, with all rights, powers, and authority that are  
 22 granted to it by the constitution of the state of Idaho.

23           (3) "Commissioner" means a member of the commission.

24           ~~(3)~~ (4) "Executive director" means the executive director of the com-  
 25 mission.

26           SECTION 5. That Section 20-1002, Idaho Code, be, and the same is hereby  
 27 amended to read as follows:

28           20-1002. COMMISSION CREATED -- APPOINTMENT -- QUALIFICATIONS -- TERMS  
 29 -- MEETINGS -- COMPENSATION -- EXECUTIVE DIRECTOR AND STAFF. (1) There is  
 30 hereby created the Idaho commission of pardons and parole. The governor  
 31 shall appoint a commission, each member of which shall be seven (7) commis-  
 32 sioners, subject to the advice and consent of the senate, which shall succeed  
 33 to and have all rights, powers and authority of said board of pardons as are  
 34 granted and provided by the provisions of the constitution of the state of  
 35 Idaho.

36           (2) ~~The commission shall be composed of seven (7) members. The members~~  
 37 Commissioners shall serve at the pleasure of the governor and not more than  
 38 four (4) members commissioners shall be from any one (1) political party.

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

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

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

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

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

10 (8) Commissioners shall be compensated as provided by section  
11 59-509(i), Idaho Code, when attending quarterly meetings conducted at a  
12 date and time separate from a hearing session or other meetings approved by  
13 the executive director. Commissioners shall receive compensation of three  
14 hundred dollars (\$300) per commissioner per day when conducting parole, com-  
15 mutation, pardon, revocation or other hearings and shall be reimbursed for  
16 actual and necessary expenses subject to the limitations provided in section  
17 67-2008, Idaho Code.

18 (9) The governor shall appoint the executive director for the commis-  
19 sion. The executive director shall be the full-time employee who shall re-  
20 port to, serve at the pleasure of, and be compensated as determined by the  
21 governor. The executive director shall be the official representative for  
22 the commission, shall be responsible for the managing and administration of  
23 daily commission business, shall assist the commission in carrying out all  
24 of its duties and powers as prescribed by law, and shall schedule business  
25 meetings and hearing sessions at times convenient to the commissioners. For  
26 each scheduled session, the executive director shall designate one (1) of  
27 the commissioners as the presiding officer for conducting the hearings. The  
28 executive director may hire such staff and employees as are approved by the  
29 governor. The executive director shall also have such other duties and re-  
30 sponsibilities as the governor shall assign.

31 SECTION 6. That Section 20-1003, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 20-1003. COMPLIANCE WITH OPEN MEETINGS LAW -- EXECUTIVE SESSIONS AU-  
34 THORIZED -- REPORT REQUIRED. (1) All meetings and hearings of the commission  
35 shall be held in accordance with the open meetings law as provided in chapter  
36 2, title 74, Idaho Code, except:

37 (a) An initial review of an application for a request for parole, par-  
38 don, commutation or firearm restoration may be held in executive ses-  
39 sion. The executive session shall be limited to a decision as to whether  
40 a hearing should be granted;

41 (b) When a hearing is granted, it will be conducted in open session.  
42 Pursuant to section 74-206, Idaho Code, deliberations and voting con-  
43 cerning the granting, revoking, reinstating or refusing of paroles; the  
44 granting or denying of pardons or commutations; or the granting or deny-  
45 ing of firearm restorations shall be made in executive session;

46 (c) Votes of individual ~~members~~ commissioners in arriving at the pa-  
47 role, pardon, firearm restoration or commutation decisions shall not be  
48 made public, provided that the commission shall maintain a record of the

1 votes of the individual ~~members~~ commissioners as required in subsection  
2 (3) of this section; and

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

6 (2) In order to satisfy the requirements of section 74-203(5), Idaho  
7 Code, when the commission meets using telecommunications devices, the exec-  
8 utive director may designate an employee of the commission to be present at  
9 the physical location of the meeting.

10 (3) A written record of the vote to grant or deny parole, pardon,  
11 firearm restoration or commutation by each ~~commission member~~ commissioner  
12 in each case reviewed by that ~~member~~ commissioner shall be made by the com-  
13 mission. The record produced by the commission pursuant to this section  
14 shall be kept confidential and privileged from disclosure, provided the  
15 record shall be made available, upon request, to the governor or the gov-  
16 ernor's representative, the chairman and most senior minority member of  
17 the senate judiciary and rules committee, and the chairman and most senior  
18 minority member of the house of representatives judiciary, rules and admin-  
19 istration committee, for all lawful purposes. All committee members and  
20 representatives of the governor's office shall keep such record confiden-  
21 tial. Distribution of the report by a commissioner or an employee of the  
22 executive director to any person not specifically listed in this section  
23 shall be a misdemeanor.

24 (4) Nothing contained in this section shall prevent any person from ob-  
25 taining the results of any parole, pardon, firearm restoration or commuta-  
26 tion action by the commission without reference to the manner in which any  
27 ~~member~~ individual commissioner voted, and the commission shall make such in-  
28 formation public information.

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

32 (6) Nothing contained in this section shall prevent the governor, the  
33 governor's representative, the chairman and most senior minority member of  
34 the senate judiciary and rules committee, and the chairman and most senior  
35 minority member of the house of representatives judiciary, rules and admin-  
36 istration committee from attending any meeting, including an executive ses-  
37 sion of the commission.

38 SECTION 7. That Section 20-1004, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

40 20-1004. DUTIES AND POWERS OF THE COMMISSION. The commission shall:

41 (1) Have the powers relating to commutation, pardon and remission of  
42 fines and forfeitures as set forth in section 7, article IV, of the Idaho con-  
43 stitution;

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

47 (3) Subject to and consistent with the provisions of section 7, arti-  
48 cle IV, of the constitution of the state of Idaho; chapter 2, title 20, Idaho  
49 Code; and section 19-2513, Idaho Code; and in compliance with chapter 52, ti-

1 tle 67, Idaho Code, have the authority to promulgate rules to establish the  
 2 procedures to carry out the provisions of this chapter, including procedures  
 3 under which any eligible prisoner may be released on parole;

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

7 (5) Subject to and consistent with the provisions of this chapter, is-  
 8 sue orders of final discharge from parole for eligible parolees; and

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

11 SECTION 8. That Section 20-1005, Idaho Code, be, and the same is hereby  
 12 amended to read as follows:

13 20-1005. RULES GOVERNING PAROLE -- LEGISLATIVE INTENT -- RESTRIC-  
 14 TIONS -- REQUIRED PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION -- REQUIRED  
 15 REPORT. (1) It is the intent of the legislature to focus prison space on those  
 16 who commit the most serious offenses or who have the highest likelihood of  
 17 offending in the future, and the commission, consistent with the provisions  
 18 of this subsection, shall promulgate rules that establish clear guidelines  
 19 and procedures that retain the commission's discretion in individual cases.

20 (2) Subject to the provisions of section 20-1004, Idaho Code, the com-  
 21 mission shall have the power to establish rules under which any prisoner, ex-  
 22 cepting any under sentence of death, may be allowed to go upon parole but to  
 23 remain while on parole in the legal custody and under the control of the board  
 24 and subject to be taken back into confinement at the direction of the commis-  
 25 sion.

26 (3) Any prisoner who is granted parole under the interstate compact may  
 27 be required to post a bond prior to release or prior to such acceptance under  
 28 the interstate compact; such bond may be posted by the prisoner, the pris-  
 29 oner's family, or other interested party. Failure to successfully complete  
 30 parole may be grounds for forfeiture of the bond. Upon successful completion  
 31 of parole, the amount of the bond may be returned, less an amount for admin-  
 32 istrative costs as determined by commission rule, in compliance with chap-  
 33 ter 52, title 67, Idaho Code. A request shall be made for return of the bond  
 34 within one (1) year of discharge of the offense for which the particular of-  
 35 fender was serving parole. Funds collected through the bonding process will  
 36 be placed in a separate commission receipts fund that is hereby created in  
 37 the state treasury and utilized for the extradition of parole violators.

38 (4) No person serving a sentence for rape, incest, committing a lewd act  
 39 upon a child, or with an intent or an assault with intent to commit any such  
 40 crimes, or serving a sentence for sexual abuse of an animal or sexual abuse of  
 41 human remains, or whose history and conduct indicate to the commission that  
 42 the person is a sexually dangerous person, shall be released on parole ex-  
 43 cept upon the examination and evaluation of one (1) or more psychiatrists or  
 44 psychologists or mental health professionals designated for this purpose by  
 45 the department to be selected by the commission, and such evaluation shall  
 46 be duly considered by the commission in making its parole determination. The  
 47 commission may, in its discretion, likewise require a similar examination  
 48 and evaluation for persons serving sentences for crimes other than those de-  
 49 scribed in this subsection. No person making such evaluation shall be held

1 financially responsible to any person for denial of parole by the commission  
2 or for the results of the future acts of such person if granted parole.

3 (5) Before considering the parole of any prisoner, the commission shall  
4 ensure that a risk assessment has been conducted pursuant to section 20-224,  
5 Idaho Code, and shall afford the prisoner the opportunity to be interviewed  
6 by the commission, a commissioner, or other commission staff designated by  
7 the executive director. A designated report and risk assessment, prepared  
8 by commission staff or a designated department of correction employee, that  
9 is specifically to be used by the commission in making a parole determination  
10 shall be exempt from public disclosure; such reports contain information  
11 from the presentence investigation report, medical or psychological infor-  
12 mation, the results of a risk assessment, victim information, designated  
13 confidential witness information, and criminal history information. A pa-  
14 role shall be ordered when, in the discretion of the commission, it is in the  
15 best interests of society and the commission believes the prisoner is able  
16 and willing to fulfill the obligations of a law-abiding citizen. Such deter-  
17 mination shall not be a reward of clemency, and it shall not be considered to  
18 be a reduction of sentence or a pardon. The commission may also by its rules  
19 fix the times and conditions under which any application denied may be re-  
20 considered. No action may be maintained against the commission or any of its  
21 ~~members~~ individual commissioner in any court in connection with any decision  
22 taken by the commission to parole a prisoner, and neither the commission nor  
23 ~~its members~~ any individual commissioner shall be liable in any way for its  
24 action with respect thereto.

25 (6) In making any parole or commutation decision with respect to a pris-  
26 oner, the commission shall consider the current risk assessment, criminal  
27 history, program participation, compliance and completion, institutional  
28 misconduct, and other individual characteristics related to the likelihood  
29 of offending in the future, as well as the compliance of the prisoner with  
30 any order of restitution that may have been entered according to section  
31 19-5304, Idaho Code. The commission may make compliance with such an order  
32 of restitution a condition of parole.

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

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

40 SECTION 9. That Section 20-1007, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42 20-1007. CONDITIONS OF PAROLE TO BE SPECIFIED IN WRITING -- WARRANT  
43 FOR ARREST OF SUSPECTED VIOLATORS -- EFFECT OF SUSPENSION AND ARREST. (1) The  
44 commission, in releasing a person on parole, shall specify in writing the  
45 conditions of parole, and a copy of such conditions shall be given to the per-  
46 son paroled. The commission shall include in the conditions of parole a re-  
47 quirement that the defendant enter into and comply with an agreement of su-  
48 pervision with the board of correction. The agreement of supervision shall  
49 include provisions setting forth the potential sanctions for a violation of

1 the conditions imposed and potential rewards for compliance with the condi-  
2 tions imposed, as such sanctions and rewards are set forth in rules of the  
3 board.

4 (2) Whenever the commission finds that a parolee may have violated the  
5 conditions of parole, the written order of the commission, signed by ~~a member~~  
6 ~~or members of the commission~~ a majority of the full commission, by a unani-  
7 mous panel of three (3) commissioners, or by the executive director, shall be  
8 sufficient warrant for any law enforcement officer to take into custody such  
9 person, and it is hereby made the duty of all sheriffs, police, constables,  
10 parole and probation officers, prison officials and other peace officers to  
11 execute such order. Such warrant shall serve to suspend the person's parole  
12 until a determination on the merits of the allegations of the violation has  
13 been made pursuant to a revocation hearing. From and after the issuance of  
14 the warrant and suspension of the parole of any convicted person and until  
15 arrest, the parolee shall be considered a fugitive from justice. Such per-  
16 son so recommitted, except as provided in section 20-1010, Idaho Code, must  
17 serve out the sentence, and the time during which such prisoner was out on pa-  
18 role shall not be deemed a part thereof, unless the commission, in its dis-  
19 cretion, shall determine otherwise, but nothing herein contained shall pre-  
20 vent the commission from again paroling such prisoners at its discretion.

21 SECTION 10. That Section 20-1008, Idaho Code, be, and the same is hereby  
22 amended to read as follows:

23 20-1008. PAROLE REVOCATION HEARING. (1) Whenever a paroled prisoner  
24 is accused of a violation of parole, other than by absconding supervision  
25 or the commission of, and conviction for, a felony or misdemeanor offense  
26 under the laws of this state, or any other state, or any federal laws, the  
27 parolee shall be entitled to a fair and impartial hearing of such charges  
28 within thirty (30) days from the date the accused is served with the charges  
29 of the violation of conditions of parole subsequent to arrest and detention.  
30 The hearing shall be held before one (1) or more ~~members of the commission~~  
31 commissioners or before an impartial hearings officer selected by the exec-  
32 utive director. Such hearing shall be held at a place or places, within this  
33 state, reasonably near the site of the alleged violation or violations of pa-  
34 role. If the parolee has been supervised outside of the state of Idaho and  
35 such violations occurred outside of Idaho, the executive director or hearing  
36 officer shall determine the location of the hearing.

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

44 SECTION 11. That Section 67-2601, Idaho Code, as amended by Section 2,  
45 Chapter 182, Laws of 2023, and by Section 33, Chapter 220, Laws of 2023, be,  
46 and the same is hereby amended to read as follows:



1           67-2601. DEPARTMENT CREATED -- ORGANIZATION. (1) There is hereby cre-  
2 ated the department of self-governing agencies. The department shall, for  
3 the purposes of section 20, article IV of the constitution of the state of  
4 Idaho, be an executive department of the state government.

5           (2) The department shall consist of the following:

6           (a) Agricultural commodity commissions: Idaho apple commission, as  
7 provided by chapter 36, title 22, Idaho Code; Idaho bean commission,  
8 as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as  
9 provided by chapter 29, title 25, Idaho Code; Idaho cherry commission,  
10 as provided by chapter 37, title 22, Idaho Code; Idaho dairy products  
11 commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea  
12 and lentil commission, as provided by chapter 35, title 22, Idaho Code;  
13 Idaho potato commission, as provided by chapter 12, title 22, Idaho  
14 Code; Idaho wheat commission, as provided by chapter 33, title 22, Idaho  
15 Code; and Idaho alfalfa and clover seed commission, as provided in chap-  
16 ter 42, title 22, Idaho Code.

17           (b) The board of commissioners of the Idaho state bar, as provided by  
18 chapter 4, title 3, Idaho Code.

19           (c) The board of examiners, pursuant to section 67-2001, Idaho Code.

20           (d) The division of veterans services, to be headed by a division ad-  
21 ministrator who shall be a nonclassified employee exempt from the pro-  
22 visions of chapter 53, title 67, Idaho Code. The administrator of the  
23 division shall administer the provisions of chapter 2, title 65, Idaho  
24 Code, and chapter 9, title 66, Idaho Code, with the advice of the vet-  
25 erans affairs commission established under chapter 2, title 65, Idaho  
26 Code, and shall perform such additional duties as are imposed upon him  
27 by law.

28           (e) The board of library commissioners, pursuant to section 33-2502,  
29 Idaho Code.

30           (f) The Idaho state historical society, pursuant to section 67-4123,  
31 Idaho Code.

32           (g) The office of the state appellate public defender, pursuant to  
33 chapter 59, title 19, Idaho Code, and the office of the state public  
34 defender, pursuant to chapter 60, title 19, Idaho Code.

35           (h) The division of occupational and professional licenses, which is  
36 hereby created.

37           (i) The office of administrative hearings, pursuant to section  
38 67-5280, Idaho Code.

39           (j) The Idaho commission of pardons and parole, pursuant to chapter 10,  
40 title 20, Idaho Code.

41           (3) Notwithstanding any other provision of law to the contrary, the  
42 governor shall have the authority to assign entities listed in subsection  
43 (2) of this section to divisions, sections, or units in such a manner as will  
44 tend to provide an orderly arrangement in the administrative organization of  
45 state government.

46           SECTION 12. An emergency existing therefor, which emergency is hereby  
47 declared to exist, this act shall be in full force and effect on and after  
48 July 1, 2024.