

SJ 3: Study the Board of Pardons
Recording Parole Hearings -- Legislative Considerations
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for the Law and Justice Interim Committee
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Background

At its December 2013 meeting, the Law and Justice Interim Committee (LJIC) requested additional information about the possibility of recording parole hearings conducted by the Board of Pardons and Parole (Board). Listed below are several topics the LJIC might need or want to discuss when considering whether to request a committee bill requiring parole hearings to be recorded and when determining the content of a bill draft.

Bill Draft Considerations

- What hearings to record?
 - ▶ Currently, the Board records revocation hearings only.
 - ▶ The number of hearings recorded will affect the cost of storing files.

- How to record the hearings (audio or video)?
 - ▶ The Board holds hearings in numerous locations (15) around the state making video recording more difficult than audio recording and likely more expensive due to staff and equipment costs. If the LJIC wanted to explore video recording, it would need to know more about what existing recording capabilities are, if any, in hearing locations.

- How long to store recordings?
 - ▶ Retention times for recording files vary among states that do record (6 months year to permanent).
 - ▶ The length of time a recording must be stored will affect the cost of the bill.

- Who can access the recordings?
 - ▶ Hearings are currently open meetings.
 - ▶ What are the privacy rights involved for offenders and victims?
 - ▶ How will offenders access the recordings?
 - ▶ What will be the Board staff time involved if information from the hearing needs to be redacted to respect privacy rights?
 - ▶ What is the cost to obtain a recording?

- How to implement recording?
 - ▶ A bill draft could be as simple or as specific as the LJIC desires, depending on how much policy LJIC wants specified in statute or delegated to the Board to determine by administrative rule. The LJIC could also provide statutory guidance for rules adopted by the Board about hearing recordings.

- How to address any costs of the legislation?
 - ▶ The committee could include an appropriation in the legislation, which would require it to be introduced in the House.
 - ▶ The committee could allow the bill to be a cat/dog bill, subject to the appropriations process.

- Other topics?

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