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MEMORANDUM

February 15, 2000

TO: Senate Committee on Insurance, Tourism
Transportation & Corrections
FR: Senator Roger Breske, Chair
RE: Clearinghouse Rule 97-013.

Administrative rule 97-013 was recently referred to the Senate Committee on Insurance, Tourism, Transportation & Corrections. For your reference, I have included a general summary of the rule, prepared by the Department. If you would like a copy of this rule or the summary, or if you would like to request a hearing, please contact Vaughn in my office before *Friday, February 25, 1999*.

Clearinghouse Rule 97-013; Repealing and recreating sections of DOC 303, relating to Inmate conduct, inmate discipline and procedures for the imposition of discipline. Generally, this rule does the following:

- Broadens the authority of each institution to make specific substantive disciplinary policies and procedures.
- Applies the rule to all inmates in the custody of the department regardless of the inmate's physical custody. The rule does not preclude another jurisdiction that has the physical custody of the inmate from enforcing its rules. The department may not discipline an inmate for an incident for which the inmate was disciplined in another jurisdiction.
- Recognizes the right of an inmate to call witnesses outweighs the right of a witness to refuse to testify.
- Recognizes that any violation of disciplinary rules in an institution is a serious threat to safety and security and removes the elements of "knowingly," "recklessly," "intentionally," and "negligently" from most offenses.