



IDAHO DEPARTMENT OF  
HEALTH & WELFARE

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TO: DUI EVALUATORS AND BPA PROVIDER NETWORK  
FROM: IDAHO DEPARTMENT OF HEALTH AND WELFARE  
SUBJECT: Repeal of IDAPA 16.06.08

After review of current rules and practices regarding Idaho's DUI evaluation system with input from the DUI Evaluation Workgroup, it is recommended that significant changes be made to provide judges with enhanced information at sentencing for these offenses. The DUI Evaluation Workgroup membership includes magistrate judges, a prosecutor, a public defender, a misdemeanor probation administrator, DUI evaluators and treatment providers and representatives from the Idaho Department of Health and Welfare and Idaho Supreme Court. Currently, IDAPA 16.06.08 allows for licensure of DUI evaluators separately from the IDAPA 16.07.20 requirements for facilities and programs. A request to repeal IDAPA 16.06.08 has been submitted through the Department of Health and Welfare's rule making process. If this request for repeal is granted, all alcohol evaluations required by Idaho Code Title 18, Chapter 80, will be performed by facilities and programs approved under IDAPA 16.07.20. This will end the practice of maintaining separate licensing and approval for entities performing alcohol evaluations.

Additionally, it is recommended that Idaho Misdemeanor Criminal Rule (I.M.C.R.) 9.4 be amended to require the use of assessments that measure a defendant's criminogenic risk in addition to assessments that measure behavioral health concerns. Further, I.M.C.R. 9.4 should be amended to provide for a standard reporting format and to allow for the courts to reject defective reports and discontinue acceptance of reports from evaluators who fail to meet the requirements of the rule. These recommendations shall be submitted this year to the Misdemeanor/Infractions Rules Advisory Committee of the Idaho Supreme Court for consideration and recommendation to the Idaho Supreme Court.

It is anticipated that these changes will promote more effective sentencing for DUI offenders and ensure that appropriate behavioral health interventions are matched to the offenders' risks and needs. These proposed changes would be effective July 1, 2013.

Thank you for your interest in this matter. Any questions regarding this issue should be directed to either Kerry Hong at (208) 954-1076 or [khong@idcourts.net](mailto:khong@idcourts.net) or Michael Bartlett at (208) 332-7243 or [bartletm@dhw.idaho.gov](mailto:bartletm@dhw.idaho.gov).

cc: BPA