

77-27-13 Board of Pardons and Parole -- Duties of the judiciary, the Department of Corrections, and law enforcement -- Removal of material from files.

- (1) The chief executive officer and employees of each penal or correctional institution shall cooperate fully with the board, permit board members free access to offenders, and furnish the board with pertinent information regarding an offender's physical, mental, and social history and his institutional record of behavior, discipline, work, efforts of self-improvement, and attitude toward society.
- (2) The Department of Corrections shall furnish pertinent information it has and shall provide a copy of the pre-sentence report and any other investigative reports to the board. In all cases where a pre-sentence report has not been completed, the department shall make a post-sentence report and shall provide a copy of it to the board as soon as possible. The department shall provide the board, upon request, any additional investigations or information needed by the board to reach a decision or conduct a hearing.
- (3) The department shall make its facilities available to the board to carry out its functions.
- (4) Law enforcement officials responsible for the offender's arrest, conviction, and sentence shall furnish all pertinent data requested by the board.
- (5)
 - (a) In all cases where an indeterminate sentence is imposed, the judge imposing the sentence may within 30 days from the date of the sentence, mail to the chief executive of the board a statement in writing setting out the term for which, in his opinion, the offender sentenced should be imprisoned, and any information he may have regarding the character of the offender or any mitigating or aggravating circumstances connected with the offense for which the offender has been convicted. In addition, the prosecutor shall in all cases, within 30 days from the date of sentence, forward in writing to the chief executive of the board a full and complete description of the crime, a written record of any plea bargain entered into, a statement of the mitigating or aggravating circumstances or both, all investigative reports, a victim impact statement referring to physical, mental, or economic loss suffered, and any other information the prosecutor believes will be relevant to the board. These statements shall be preserved in the files of the board.
 - (b) Notwithstanding Subsection (5)(a), the board may remove from its files any:
 - (i) statement that it is not going to rely on in its decisionmaking process;
 - (ii) information found to be incorrect by a court, the Board of Pardons and Parole, or administrative agency; or
 - (iii) duplicative materials.
- (6) The chief executive officer of any penal or correctional institution shall permit offenders to send mail to the board without censorship.

Amended by Chapter 171, 1998 General Session