**R671. Pardons (Board of), Administration.**

**R671-513. Expedited Determination of Parolee Challenge to Probable Cause.**

**R671-513-1. Expedited Determination of Parolee Challenge to Probable Cause.**

1. If a parolee who is returned to custody for a parole violation wishes to challenge the probable cause statements or evidence upon which the warrant request was based, the parolee shall submit the challenge in writing, accompanied by a summary of the evidence supporting the challenge, within seven days of service of the arrest warrant on the parolee.

2. At least one member of the Board shall review all the evidence in support of the parole violation allegations, as well as the challenge and evidence submitted in support of the challenge, and decide whether probable cause for the violation allegations continues to exist.

3. The parolee also shall inform the Board and the parole agent in writing if any evidence relating to possible defenses to the alleged parole violation exists and must be preserved. The request to preserve evidence shall be in writing and sufficiently detailed so that the parole agent can easily identify and locate the evidence to be preserved.

**R671-513-2. Review of Evidence.**

Review of the parolee's evidence shall occur no later than five days after the parolee has submitted a challenge to probable cause. If the reviewing Board member decides that the challenge to probable cause is not sufficient, the Board member shall deny the parolee's challenge, and parole violation proceedings will continue in accordance with applicable rules. If the reviewing Board member decides that the challenge to probable cause is sufficient to warrant further review, the case shall be routed to the Board for deliberation. The Board may make a decision on the written submissions or take further action to resolve the probable cause challenge. If a majority of the Board believes the parolee's challenge negates the finding of probable cause, the warrant shall be withdrawn and the parolee reinstated on parole. Time spent incarcerated pursuant to a warrant which is withdrawn constitutes service of the parolee's sentence and parole term.

**KEY: parole, warrant, hearing**

**Date of Last Change: October 10, 2024**

**Notice of Continuation: October 4, 2022**

**Authorizing, and Implemented or Interpreted Law: 77-27-9(4); 77-27-11; 77-27-27; 77-27-28; 77-27-29; 77-27-30**