

IN THE SENATE

SENATE BILL NO. 1059

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO ADDRESS CONFIDENTIALITY FOR JUDICIAL OFFICERS; AMENDING TITLE
2 19, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 60, TITLE 19, IDAHO
3 CODE, TO DEFINE TERMS, TO PROHIBIT THE DISCLOSURE OF A RESIDENTIAL
4 STREET ADDRESS AND TELEPHONE NUMBER OF A JUDICIAL OFFICER, TO PROVIDE
5 EXCEPTIONS, TO PROVIDE ADDRESS CONFIDENTIALITY FOR JUDICIAL OFFICERS,
6 TO PROVIDE ELIGIBILITY REQUIREMENTS, AND TO PROVIDE IMMUNITY FROM LI-
7 ABILITY FOR PUBLIC AGENCIES AND THEIR EMPLOYEES IN CERTAIN INSTANCES;
8 AMENDING SECTION 34-704, IDAHO CODE, TO PROVIDE THAT THE RESIDENTIAL
9 STREET ADDRESS AND TELEPHONE NUMBER OF A JUDICIAL OFFICER SHALL BE EX-
10 EMPT FROM DISCLOSURE; AMENDING SECTION 74-106, IDAHO CODE, TO PROVIDE
11 THAT THE RESIDENTIAL STREET ADDRESS AND TELEPHONE NUMBER OF A JUDICIAL
12 OFFICER SHALL BE EXEMPT FROM DISCLOSURE AND TO MAKE TECHNICAL CORREC-
13 TIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
14

15 Be It Enacted by the Legislature of the State of Idaho:

16 SECTION 1. That Title 19, Idaho Code, be, and the same is hereby amended
17 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
18 ter 60, Title 19, Idaho Code, and to read as follows:

19 CHAPTER 60

20 ADDRESS CONFIDENTIALITY FOR JUDICIAL OFFICERS

21 19-6001. DEFINITIONS. As used in this chapter:

22 (1) "Alternative Idaho mailing address" means the address of a judicial
23 officer's chambers.

24 (2) "Application" means a written form prescribed and made available by
25 the Idaho supreme court. Such application shall contain, at a minimum, all
26 of the following:

27 (a) A sworn statement by the judicial officer's employing entity that
28 the applicant is in fact a judicial officer as defined in subsection (4)
29 of this section;

30 (b) A sworn statement by the judicial officer that names such officer's
31 residing household members, if any, as defined in subsection (6) of this
32 section;

33 (c) The alternative Idaho mailing address as defined in subsection (1)
34 of this section, and the telephone number or numbers where the judicial
35 officer and such officer's residing household members can be contacted
36 by the public agency; and

37 (d) A sworn statement by the judicial officer that such officer know-
38 ingly and voluntarily designates his employing entity as agent for pur-
39 poses of service of process and receipt of first class, certified, or
40 registered mail.

41 (3) "Custodian" is as defined in section 74-101, Idaho Code.

1 (4) "Judicial officer" means a justice, judge, or magistrate judge with
2 chambers in the state of Idaho.

3 (5) "Public agency" is as defined in section 74-101, Idaho Code.

4 (6) "Residing household member" means a judicial officer's spouse and
5 any child or children who currently reside at the same residential street ad-
6 dress as such officer.

7 19-6002. DISCLOSURE OF RESIDENTIAL STREET ADDRESS AND TELEPHONE NUM-
8 BER PROHIBITED -- EXCEPTIONS. Notwithstanding any other provision of state
9 law, a public agency shall not disclose to any person or entity the Idaho res-
10 idential street address and telephone number of a judicial officer and such
11 officer's residing household members upon submission of an application and
12 fee consistent with the provisions of section 19-6003, Idaho Code, except
13 under any of the following circumstances:

14 (1) If directed by a court order, to a person identified in the court
15 order;

16 (2) If requested by a law enforcement agency, to the law enforcement
17 agency;

18 (3) If requested by a financial institution or title company for busi-
19 ness purposes, to the requesting financial institution or title company; or

20 (4) If the judicial officer provides written permission for disclosure
21 of such information.

22 19-6003. ADDRESS CONFIDENTIALITY -- ELIGIBILITY. (1) Judicial offi-
23 cers desiring that their Idaho residential street address and telephone num-
24 ber and the Idaho residential street address and telephone number of their
25 residing household members be exempt from disclosure pursuant to this chap-
26 ter and sections 34-704(4) and 74-106(30), Idaho Code, may submit an appli-
27 cation and a fee, if any, to the custodian of the public record that con-
28 tains such information. Upon receipt of such application and fee, the public
29 agency shall comply with the provisions of this chapter for a period of four
30 (4) years. Thereafter, judicial officers may renew the exemption by submit-
31 ting a new application and fee, if any. The public agency may establish a fee
32 schedule not to exceed the actual cost to the agency of complying with the
33 provisions of this chapter.

34 (2) Judicial officers may submit an application to a public agency
35 requesting that the public agency use an alternative Idaho mailing address
36 rather than the Idaho residential street address of any such officer and of
37 any such officer's residing household members on all applications and on
38 all identification cards, licenses, certificates, permits, tags, and other
39 similar documents that are issued to the officer or to such officer's resid-
40 ing household members by the public agency. A public agency receiving such
41 application shall comply with the request.

42 (3) A person shall cease to be eligible for an exemption under this
43 chapter if such person ceases to be a judicial officer or a residing house-
44 hold member. Within thirty (30) days of such cessation, the person shall
45 notify, in writing, every public agency to which the person has made an ap-
46 plication stating that he is no longer eligible for such exemption. If a
47 judicial officer changes employment but is still eligible for an exemption
48 under this chapter, such judicial officer shall, within thirty (30) days

1 of changing employment, submit a new application to every public agency to
2 which such officer has made an application.

3 (4) Nothing in this chapter shall prevent a public agency from obtain-
4 ing the Idaho residential street address and telephone number of a judicial
5 officer and of any residing household member. A judicial officer who has
6 submitted an application pursuant to the provisions of this chapter shall
7 provide his current Idaho residential street address to his employing en-
8 tity. The judicial officer's employing entity, or any public agency that has
9 obtained the Idaho residential street address of a judicial officer, shall
10 upon request identify the county in which the judicial officer's Idaho resi-
11 dential street address is situated.

12 19-6004. IMMUNITY FROM LIABILITY. Neither a public agency nor its
13 employees, while acting within the course and scope of their employment
14 and without malice or criminal intent, shall be liable under the Idaho tort
15 claims act, chapter 9, title 6, Idaho Code, for any injury resulting from the
16 release of confidential information under this chapter.

17 SECTION 2. That Section 34-704, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 34-704. DECLARATION OF CANDIDACY. (1) Any person legally qualified to
20 hold such office is entitled to become a candidate and file his declaration
21 of candidacy. Each political party candidate for precinct, state, district
22 or county office shall file his declaration of candidacy in the proper office
23 between 8:00 a.m. on the twelfth Monday preceding the primary election and
24 5:00 p.m. on the tenth Friday preceding the primary election. All politi-
25 cal party candidates shall declare their party affiliation in their declara-
26 tion of candidacy and shall be affiliated with a party at the time of filing.
27 A candidate shall be deemed affiliated with the political party if the can-
28 didate submits a party affiliation form along with the declaration of candi-
29 dacy to the filing official. The filing official shall reject any declara-
30 tion of candidacy for partisan office in a primary election from candidates
31 who are not affiliated with a political party. Candidates for nonpartisan
32 office shall file during the period provided for in this section.

33 (2) Candidates who file a declaration of candidacy under a party name
34 and are not nominated at the primary election shall not be allowed to appear
35 on the general election ballot under any other political party name, nor as
36 an independent candidate.

37 (3) Independent candidates shall file their declaration of candidacy
38 in the manner provided in section 34-708, Idaho Code.

39 (4) All information in declarations of candidacy shall be made publicly
40 available upon request, except that the Idaho residential street address and
41 telephone number of a judicial officer may be exempt from disclosure pur-
42 suant to sections 19-6002 and 74-106(30), Idaho Code.

43 SECTION 3. That Section 74-106, Idaho Code, be, and the same is hereby
44 amended to read as follows:

1 74-106. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PER-
2 SONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following
3 records are exempt from disclosure:

4 (1) Except as provided in this subsection, all personnel records of
5 a current or former public official other than the public official's pub-
6 lic service or employment history, classification, pay grade and step,
7 longevity, gross salary and salary history, including bonuses, severance
8 packages, other compensation or vouchered and unvouchered expenses for
9 which reimbursement was paid, status, workplace and employing agency. All
10 other personnel information relating to a public employee or applicant
11 including, but not limited to, information regarding sex, race, marital
12 status, birth date, home address and telephone number, social security num-
13 ber, driver's license number, applications, testing and scoring materials,
14 grievances, correspondence and performance evaluations, shall not be dis-
15 closed to the public without the employee's or applicant's written consent.
16 Names of applicants to classified or merit system positions shall not be dis-
17 closed to the public without the applicant's written consent. Disclosure of
18 names as part of a background check is permitted. Names of the five (5) final
19 applicants to all other positions shall be available to the public. If such
20 group is less than five (5) finalists, then the entire list of applicants
21 shall be available to the public. A public official or authorized represen-
22 tative may inspect and copy his personnel records, except for material used
23 to screen and test for employment.

24 (2) Retired employees' and retired public officials' home addresses,
25 home telephone numbers and other financial and nonfinancial membership
26 records; and active and inactive member financial and membership records
27 and mortgage portfolio loan documents maintained by the public employee re-
28 tirement system. Financial statements prepared by retirement system staff,
29 funding agents and custodians concerning the investment of assets of the
30 public employee retirement system of Idaho are not considered confidential
31 under this chapter.

32 (3) Information and records submitted to the Idaho state lottery for
33 the performance of background investigations of employees, lottery retail-
34 ers and major procurement contractors; audit records of lottery retailers,
35 vendors and major procurement contractors submitted to or performed by the
36 Idaho state lottery; validation and security tests of the state lottery for
37 lottery games; and business records and information submitted pursuant to
38 sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such doc-
39 uments and information obtained and held for the purposes of lottery secu-
40 rity and investigative action as determined by lottery rules unless the pub-
41 lic interest in disclosure substantially outweighs the private need for pro-
42 tection from public disclosure.

43 (4) Records of a personal nature as follows:

- 44 (a) Records of personal debt filed with a public agency pursuant to law;
45 (b) Personal bank records compiled by a public depositor for the pur-
46 pose of public funds transactions conducted pursuant to law;
47 (c) Records of ownership of financial obligations and instruments of a
48 public agency, such as bonds, compiled by the public agency pursuant to
49 law;

1 (d) Records, with regard to the ownership of, or security interests in,
2 registered public obligations;

3 (e) Vital statistics records;

4 (f) Military records as described in and pursuant to section 65-301,
5 Idaho Code;

6 (g) Social security numbers; and

7 (h) The following personal data identifiers for an individual may be
8 disclosed only in the following redacted format:

9 (i) The initials of any minor children of the individual;

10 (ii) A date of birth in substantially the following format:
11 "XX/XX/birth year";

12 (iii) The last four (4) digits of a financial account number in
13 substantially the following format: "XXXXX1234";

14 (iv) The last four (4) digits of a driver's license number or
15 state-issued personal identification card number in substan-
16 tially the following format: "XXXXX350F"; and

17 (v) The last four (4) digits of an employer identification number
18 or business's taxpayer identification number.

19 (5) Information in an income or other tax return measured by items of
20 income or sales, ~~which~~ that is gathered by a public agency for the purpose of
21 administering the tax, except such information to the extent disclosed in a
22 written decision of the tax commission pursuant to a taxpayer protest of a
23 deficiency determination by the tax commission, under the provisions of sec-
24 tion 63-3045B, Idaho Code.

25 (6) Records of a personal nature related directly or indirectly to the
26 application for and provision of statutory services rendered to persons
27 applying for public care for people who are elderly, indigent or have mental
28 or physical disabilities, or participation in an environmental or a public
29 health study, provided the provisions of this subsection making records
30 exempt from disclosure shall not apply to the extent that such records or
31 information contained in those records are necessary for a background check
32 on an individual that is required by federal law regulating the sale of
33 firearms, guns or ammunition.

34 (7) Employment security information, except that a person may agree,
35 through written, informed consent, to waive the exemption so that a third
36 party may obtain information pertaining to the person, unless access to the
37 information by the person is restricted by subsection (3) (a), ~~(3)~~(b) or
38 ~~(3)~~(d) of section 74-113, Idaho Code. Notwithstanding the provisions of
39 section 74-113, Idaho Code, a person may not review identifying information
40 concerning an informant who reported to the department of labor a suspected
41 violation by the person of the employment security law, chapter 13, title 72,
42 Idaho Code, under an assurance of confidentiality. As used in this section
43 and in chapter 13, title 72, Idaho Code, "employment security information"
44 means any information descriptive of an identifiable person or persons that
45 is received by, recorded by, prepared by, furnished to or collected by the
46 department of labor or the industrial commission in the administration of
47 the employment security law.

48 (8) Any personal records, other than names, business addresses and
49 business phone numbers, such as parentage, race, religion, sex, height,
50 weight, tax identification and social security numbers, financial worth or

1 medical condition submitted to any public agency pursuant to a statutory
2 requirement for licensing, certification, permit or bonding.

3 (9) Unless otherwise provided by agency rule, information obtained as
4 part of an inquiry into a person's fitness to be granted or retain a license,
5 certificate, permit, privilege, commission or position, private associa-
6 tion peer review committee records authorized in title 54, Idaho Code. Any
7 agency that has records exempt from disclosure under the provisions of this
8 subsection shall annually make available a statistical summary of the number
9 and types of matters considered and their disposition.

10 (10) The records, findings, determinations and decisions of any prelit-
11 igation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

12 (11) Complaints received by the board of medicine and investigations
13 and informal proceedings, including informal proceedings of any committee
14 of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and
15 rules adopted thereunder.

16 (12) Records of the department of health and welfare or a public health
17 district that identify a person infected with a reportable disease.

18 (13) Records of hospital care, medical records, including prescrip-
19 tions, drug orders, records or any other prescription information that
20 specifically identifies an individual patient, prescription records main-
21 tained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho
22 Code, records of psychiatric care or treatment and professional counseling
23 records relating to an individual's condition, diagnosis, care or treat-
24 ment, provided the provisions of this subsection making records exempt from
25 disclosure shall not apply to the extent that such records or information
26 contained in those records are necessary for a background check on an indi-
27 vidual that is required by federal law regulating the sale of firearms, guns
28 or ammunition.

29 (14) Information collected pursuant to the directory of new hires act,
30 chapter 16, title 72, Idaho Code.

31 (15) Personal information contained in motor vehicle and driver records
32 that is exempt from disclosure under the provisions of chapter 2, title 49,
33 Idaho Code.

34 (16) Records of the financial status of prisoners pursuant to subsec-
35 tion (2) of section 20-607, Idaho Code.

36 (17) Records of the Idaho state police or department of correction re-
37 ceived or maintained pursuant to section 19-5514, Idaho Code, relating to
38 DNA databases and databanks.

39 (18) Records of the department of health and welfare relating to a sur-
40 vey, resurvey or complaint investigation of a licensed nursing facility
41 ~~shall be exempt from disclosure.~~ Such records shall, however, be subject to
42 disclosure as public records as soon as the facility in question has received
43 the report, and no later than the fourteenth day following the date that de-
44 partment of health and welfare representatives officially exit the facility
45 pursuant to federal regulations. Provided however, that for purposes of
46 confidentiality, no record shall be released under this section that specif-
47 ically identifies any nursing facility resident.

48 (19) Records and information contained in the registry of immunizations
49 against childhood diseases maintained in the department of health and wel-

1 fare, including information disseminated to others from the registry by the
2 department of health and welfare.

3 (20) Records of the Idaho housing and finance association (IHFA) relat-
4 ing to the following:

5 (a) Records containing personal financial, family, health or similar
6 personal information submitted to or otherwise obtained by the IHFA;

7 (b) Records submitted to or otherwise obtained by the IHFA with regard
8 to obtaining and servicing mortgage loans and all records relating to
9 the review, approval or rejection by the IHFA of said loans;

10 (c) Mortgage portfolio loan documents;

11 (d) Records of a current or former employee other than the employee's
12 duration of employment with the association, position held and loca-
13 tion of employment. This exemption from disclosure does not include the
14 contracts of employment or any remuneration, including reimbursement
15 of expenses, of the executive director, executive officers or commis-
16 sioners of the association. All other personnel information relating
17 to an association employee or applicant including, but not limited to,
18 information regarding sex, race, marital status, birth date, home ad-
19 dress and telephone number, applications, testing and scoring materi-
20 als, grievances, correspondence, retirement plan information and per-
21 formance evaluations, shall not be disclosed to the public without the
22 employee's or applicant's written consent. An employee or authorized
23 representative may inspect and copy that employee's personnel records,
24 except for material used to screen and test for employment or material
25 not subject to disclosure elsewhere in the Idaho public records act.

26 (21) Records of the department of health and welfare related to child
27 support services in cases in which there is reasonable evidence of domestic
28 violence, as defined in chapter 63, title 39, Idaho Code, that can be used
29 to locate any individuals in the child support case except in response to a
30 court order.

31 (22) Records of the Idaho state bar lawyer assistance program pursuant
32 to chapter 49, title 54, Idaho Code, unless a participant in the program au-
33 thORIZES the release pursuant to subsection (4) of section 54-4901, Idaho
34 Code.

35 (23) Records and information contained in the time-sensitive emergency
36 registry created by chapter 20, title 57, Idaho Code, together with any re-
37 ports, analyses and compilations created from such information and records.

38 (24) Records contained in the court files, or other records prepared as
39 part of proceedings for judicial authorization of sterilization procedures
40 pursuant to chapter 39, title 39, Idaho Code.

41 (25) The physical voter registration application on file in the county
42 clerk's office; however, a redacted copy of said application shall be made
43 available consistent with the requirements of this section. Information
44 from the voter registration application maintained in the statewide voter
45 registration database, including age, will be made available except for
46 the voter's driver's license number, date of birth and, upon a showing that
47 the voter comes within the provisions of subsection (30) of this section or
48 upon showing of good cause by the voter to the county clerk in consultation
49 with the county prosecuting attorney, the physical residence address of the
50 voter. For the purposes of this subsection, good cause shall include the

1 protection of life and property and protection of victims of domestic vio-
2 lence and similar crimes.

3 (26) File numbers, passwords and information in the files of the health
4 care directive registry maintained by the department of health and welfare
5 under section 39-4515, Idaho Code, are confidential and shall not be dis-
6 closed to any person other than to the person who executed the health care
7 directive or the revocation thereof and that person's legal representa-
8 tives, to the person who registered the health care directive or revocation
9 thereof, and to physicians, hospitals, medical personnel, nursing homes,
10 and other persons who have been granted file number and password access to
11 the documents within that specific file.

12 (27) Records in an address confidentiality program participant's file
13 as provided for in chapter 57, title 19, Idaho Code, other than the address
14 designated by the secretary of state, except under the following circum-
15 stances:

16 (a) If requested by a law enforcement agency, to the law enforcement
17 agency; or

18 (b) If directed by a court order, to a person identified in the order.

19 (28) Except as otherwise provided by law relating to the release of in-
20 formation to a governmental entity or law enforcement agency, any personal
21 information including, but not limited to, names, personal and business ad-
22 dresses and phone numbers, sex, height, weight, date of birth, social secu-
23 rity and driver's license numbers, or any other identifying numbers and/or
24 information related to any Idaho fish and game licenses, permits and tags un-
25 less written consent is obtained from the affected person.

26 (29) Documents and records related to alternatives to discipline that
27 are maintained by the Idaho board of veterinary medicine under the provi-
28 sions of section 54-2118(1)(b), Idaho Code, provided the requirements set
29 forth therein are met.

30 (30) The Idaho residential street address and telephone number of an
31 eligible law enforcement or judicial officer and such officer's residing
32 household ~~member(s)~~ members as provided for in chapters 58 and 60, title 19,
33 Idaho Code, except under the following circumstances:

34 (a) If directed by a court order, to a person identified in the court
35 order;

36 (b) If requested by a law enforcement agency, to the law enforcement
37 agency;

38 (c) If requested by a financial institution or title company for busi-
39 ness purposes, to the requesting financial institution or title com-
40 pany; or

41 (d) If the law enforcement or judicial officer provides written permis-
42 sion for disclosure of such information.

43 (31) All information exchanged between the Idaho transportation de-
44 partment and insurance companies, any database created, all information
45 contained in the verification system and all reports, responses or other
46 information generated for the purposes of the verification system, pursuant
47 to section 49-1234, Idaho Code.

48 (32) Nothing in this section shall prohibit the release of information
49 to the state controller as the state social security administrator as pro-
50 vided in section 59-1101A, Idaho Code.

1 (33) Personal information including, but not limited to, property val-
2 ues, personal and business addresses, phone numbers, dates of birth, social
3 security and driver's license numbers or any other identifying numbers or
4 information maintained by the administrator of the unclaimed property law
5 set forth in chapter 5, title 14, Idaho Code. Nothing in this subsection
6 shall prohibit the release of names, last known city of residence, property
7 value ranges and general property information by the administrator for the
8 purpose of reuniting unclaimed property with its owner.

9 (34) Any personal information collected by the secretary of state,
10 pursuant to section 67-906(1) (b), Idaho Code, for the purpose of allowing
11 individuals to access the statewide electronic filing system authorized in
12 section 67-906, Idaho Code, except campaign contact phone numbers for candi-
13 dates or committees, which shall be publicly available upon request; and any
14 notification email addresses submitted as part of a lobbyist's registration
15 under section 67-6617, Idaho Code, of an employer, client, or designated
16 contact for the purpose of electronic notification of that employer, client,
17 or designated contact of a report filed under section 67-6619, Idaho Code.

18 SECTION 4. An emergency existing therefor, which emergency is hereby
19 declared to exist, this act shall be in full force and effect on and after
20 July 1, 2023.