

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 47, As Amended in the Senate

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 74-101, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 74-101, Idaho Code, be, and the same is hereby amended to read as follows:

74-101. DEFINITIONS. As used in this chapter:

(1) "Applicant" means any person formally seeking a paid or volunteer position with a public agency. "Applicant" does not include any person seeking appointment to a position normally filled by election.

(2) "Copy" means transcribing by handwriting, photocopying, duplicating machine ~~and~~ or reproducing by any other means as long as the public record is not altered or damaged.

(3) "Custodian" means the person or persons having personal custody and control of the public records in question.

(4) "Independent public body corporate and politic" means the Idaho housing and finance association as created in chapter 62, title 67, Idaho Code.

(5) "Inspect" means the right to listen, view and make notes of public records as long as the public record is not altered or damaged.

(6) "Investigatory record" means information with respect to an identifiable person, group of persons or entities compiled by a public agency pursuant to its statutory authority in the course of investigating a specific act, omission, failure to act, or other conduct over which the public agency has regulatory authority or law enforcement authority.

(7) "Law enforcement agency" means any state or local agency given law enforcement powers or ~~which that~~ which has authority to investigate, enforce, prosecute or punish violations of state or federal criminal statutes, ordinances or regulations.

(8) "Local agency" means a county, city, school district, municipal corporation, independent public body corporate and politic, district, public health district, political subdivision, or any agency thereof, or any committee of a local agency, or any combination thereof.

(9) "Person" means any natural person, corporation, partnership, firm, association, joint venture, state or local agency or any other recognized legal entity.

(10) "Prisoner" means a person who has been convicted of a crime and is either incarcerated or on parole for that crime or who is being held in custody for trial or sentencing.

(11) "Public agency" means any state or local agency as defined in this section.

1 (12) "Public official" means any state, county, local district, inde-
2 pendent public body corporate and politic or governmental official or em-
3 ployee, whether elected, appointed or hired.

4 (13) "Public record" includes, but is not limited to, any writing con-
5 taining information relating to the conduct or administration of the pub-
6 lic's business prepared, owned, used or retained by any state agency, in-
7 dependent public body corporate and politic or local agency regardless of
8 physical form or characteristics. Provided, however, that personal notes
9 created by a public official solely for his own use shall not be a public
10 record as long as such personal notes are not shared with any other person or
11 entity.

12 (14) "Requester" means the person requesting examination and/or copy-
13 ing of public records pursuant to section 74-102, Idaho Code.

14 (15) "State agency" means every state officer, department, division,
15 bureau, commission and board or any committee of a state agency, including
16 those in the legislative or judicial branch, except the state militia and the
17 Idaho state historical society library and archives.

18 (16) (a) "Unwarranted invasion of personal privacy" means:

19 (i) Disclosure of information used to identify, locate, or harass
20 a juvenile, a victim of an alleged crime of mass violence or domes-
21 tic violence, or a victim of physical or sexual abuse; or

22 (ii) Disclosure where release of information is likely to violate
23 legitimate and substantial privacy interests of the person iden-
24 tified when such interests are weighed against general public in-
25 formation.

26 (b) Release of the name, age, sex, and hometown of any deceased person
27 after notification of next-of-kin shall not constitute an unwarranted
28 invasion of personal privacy and shall be disclosed unless otherwise
29 exempt under this chapter.

30 ~~(16)~~ (17) "Writing" includes, but is not limited to, handwriting, type-
31 writing, printing, photostating, photographing and every means of record-
32 ing, including letters, words, pictures, sounds, or symbols, or combination
33 thereof, and all papers, maps, magnetic or paper tapes, photographic films
34 and prints, magnetic or punched cards, discs, drums or other documents.

35 SECTION 2. An emergency existing therefor, which emergency is hereby
36 declared to exist, this act shall be in full force and effect on and after
37 July 1, 2023.