

IN THE SENATE

SENATE BILL NO. 1028

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO RECORDS EXEMPT FROM DISCLOSURE; AMENDING CHAPTER 3, TITLE 9,
2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 9-340, IDAHO CODE, TO PRO-
3 VIDE THAT CERTAIN RECORDS EXEMPT FROM DISCLOSURE SHALL BECOME PUBLIC
4 RECORDS, TO PROVIDE FOR APPLICABILITY, TO PROVIDE THAT RECORDS EXEMPT
5 FROM DISCLOSURE SHALL BE PRESUMED TO BE PUBLIC SEVENTY-FIVE YEARS AFTER
6 THEIR CREATION, TO PROVIDE FOR CONTINUED EXEMPTION FROM PUBLIC DIS-
7 CLOSURE AND TO PROVIDE THAT SPECIFIED RECORDS SHALL REMAIN SUBJECT TO
8 CERTAIN PROVISIONS OF LAW.
9

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

11 SECTION 1. That Chapter 3, Title 9, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 9-340, Idaho Code, and to read as follows:

14 9-340. RECORDS EXEMPT FROM DISCLOSURE -- RECLASSIFICATION AS PUBLIC
15 RECORDS. (1) The classification of a record is not permanent, and any record
16 that was classified as exempt under title 9, Idaho Code, shall become a pub-
17 lic record when the justification for the original, or any subsequent exempt
18 classification, no longer exists.

19 (2) This section applies to permanent and historical records and noth-
20 ing herein supersedes any record retention schedules adopted under the pro-
21 visions of section 31-871, 50-907 or 67-5752, Idaho Code.

22 (3) Any exempt record shall be presumed to be public seventy-five (75)
23 years after its creation.

24 (4) Any record custodian may maintain the exemption on a record after
25 seventy-five (75) years only in the interests of national or state security,
26 public safety, to protected cultural or archeological sites, upon the writ-
27 ten request of a living person to whom the record applies or to comply with
28 federal requirements. Such continued exemption is subject to judicial re-
29 view.

30 (5) Records of birth, death, stillbirth, marriage or divorce in the
31 custody of the state registrar pursuant to section 39-270(e), Idaho Code,
32 shall remain subject to the provisions therein.