

IN THE SENATE

SENATE BILL NO. 1133

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO SCHOOL SECURITY PLANS; AMENDING THE HEADING FOR CHAPTER 18, TI-  
2 TLE 33, IDAHO CODE; AMENDING CHAPTER 18, TITLE 33, IDAHO CODE, BY THE AD-  
3 DITION OF A NEW SECTION 33-1804, IDAHO CODE, TO ESTABLISH PROVISIONS FOR  
4 SCHOOL SAFETY AND SECURITY PLANS AND TO PROVIDE THAT CERTAIN PLANS AND  
5 REPORTS ARE CONFIDENTIAL AND EXEMPT FROM DISCLOSURE; AND AMENDING SEC-  
6 TION 9-340B, IDAHO CODE, TO PROVIDE THAT CERTAIN PLANS AND REPORTS ARE  
7 EXEMPT FROM DISCLOSURE.  
8

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

10 SECTION 1. That the Heading for Chapter 18, Title 33, Idaho Code, be,  
11 and the same is hereby amended to read as follows:

12 CHAPTER 18  
13 SAFETY PATROLS AND SECURITY PLANS

14 SECTION 2. That Chapter 18, Title 33, Idaho Code, be, and the same is  
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
16 ignated as Section 33-1804, Idaho Code, and to read as follows:

17 33-1804. SCHOOL SAFETY AND SECURITY PLANS. (1) The board of trustees  
18 of every school district and the sheriff of each county in which the dis-  
19 trict is located, or the sheriff's designee, shall together develop, imple-  
20 ment and maintain a safety and security plan for every public elementary and  
21 secondary school located within the district. Such plans shall be based upon  
22 a standardized threat assessment for public schools. Every safety and secu-  
23 rity plan shall:

24 (a) Have multiple security deterrents designed to effectuate a safe en-  
25 vironment on school property and in school buses operating under the au-  
26 thority of the school district. Such deterrents may include, but are  
27 not limited to, restricted entries or access, metal detectors at des-  
28 ignated points of entry (for designated gun-free zones), authorization  
29 of persons to carry firearms pursuant to section 18-3302D(4) (f), Idaho  
30 Code, security resource officers and other similar deterrents;

31 (b) Be reviewed and, if necessary, modified at least annually by the  
32 board of trustees and the sheriffs or their designees; and

33 (c) Provide for, at a minimum, annual related safety and crisis re-  
34 sponse training of all pupils and employees of the school and of the  
35 school district.

36 (2) Each board of trustees shall report annually to the state depart-  
37 ment of education on its safety posture and security plan, which shall in-  
38 clude information relating to training, threat assessment, effectiveness of  
39 security deterrents and any deterrent changes made or proposed to be made.

1 (3) The state department of education shall establish a standardized  
2 threat assessment tool, a means of securely communicating security related  
3 information and a standard metric for the annual review, testing and report-  
4 ing requirements.

5 (4) Safety and security plans and the annual reports provided in sub-  
6 section (2) of this section shall be confidential and exempt from disclosure  
7 under section 9-340B, Idaho Code.

8 SECTION 3. That Section 9-340B, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 9-340B. RECORDS EXEMPT FROM DISCLOSURE -- LAW ENFORCEMENT RECORDS,  
11 INVESTIGATORY RECORDS OF AGENCIES, EVACUATION AND EMERGENCY RESPONSE PLANS,  
12 WORKER'S COMPENSATION. The following records are exempt from disclosure:

13 (1) Investigatory records of a law enforcement agency, as defined in  
14 section 9-337(7), Idaho Code, under the conditions set forth in section  
15 9-335, Idaho Code.

16 (2) Juvenile records of a person maintained pursuant to chapter 5,  
17 title 20, Idaho Code, except that facts contained in such records shall be  
18 furnished upon request in a manner determined by the court to persons and  
19 governmental and private agencies and institutions conducting pertinent  
20 research studies or having a legitimate interest in the protection, welfare  
21 and treatment of the juvenile who is thirteen (13) years of age or younger.  
22 If the juvenile is petitioned or charged with an offense which would be a  
23 criminal offense if committed by an adult, the name, offense of which the  
24 juvenile was petitioned or charged and disposition of the court shall be sub-  
25 ject to disclosure as provided in section 20-525, Idaho Code. Additionally,  
26 facts contained in any records of a juvenile maintained under chapter 5,  
27 title 20, Idaho Code, shall be furnished upon request to any school district  
28 where the juvenile is enrolled or is seeking enrollment.

29 (3) Records of the custody review board of the Idaho department of ju-  
30 venile corrections, including records containing the names, addresses and  
31 written statements of victims and family members of juveniles, shall be ex-  
32 empt from public disclosure pursuant to section 20-533A, Idaho Code.

33 (4) (a) The following records of the department of correction:

34 (i) Records of which the public interest in confidentiality, pub-  
35 lic safety, security and habilitation clearly outweighs the pub-  
36 lic interest in disclosure as identified pursuant to the authority  
37 of the Idaho board of correction under section 20-212, Idaho Code;

38 (ii) Records that contain any identifying information, or any in-  
39 formation that would lead to the identification of any victims or  
40 witnesses;

41 (iii) Records that reflect future transportation or movement of a  
42 prisoner;

43 (iv) Records gathered during the course of the presentence inves-  
44 tigation;

45 (v) Records of a prisoner, as defined in section 9-337(10), Idaho  
46 Code, or probationer shall not be disclosed to any other prisoner  
47 or probationer.

48 (b) Records of buildings, facilities, infrastructures and systems held  
49 by or in the custody of any public agency only when the disclosure of

1 such information would jeopardize the safety of persons or the public  
2 safety. Such records may include emergency evacuation, escape or other  
3 emergency response plans, vulnerability assessments, operation and se-  
4 curity manuals, plans, blueprints or security codes. For purposes of  
5 this section "system" shall mean electrical, heating, ventilation, air  
6 conditioning and telecommunication systems.

7 (c) Records of the commission of pardons and parole shall be exempt from  
8 public disclosure pursuant to section 20-213A, Idaho Code, and section  
9 20-223, Idaho Code. Records exempt from disclosure shall also include  
10 those containing the names, addresses and written statements of vic-  
11 tims.

12 (5) Voting records of the sexual offender classification board. The  
13 written record of the vote to classify an offender as a violent sexual preda-  
14 tor by each board member in each case reviewed by that board member shall be  
15 exempt from disclosure to the public and shall be made available upon request  
16 only to the governor, the chairman of the senate judiciary and rules commit-  
17 tee, and the chairman of the house of representatives judiciary, rules and  
18 administration committee, for all lawful purposes.

19 (6) Records of the sheriff or Idaho state police received or maintained  
20 pursuant to sections 18-3302 and 18-3302H, Idaho Code, relating to an appli-  
21 cant or licensee.

22 (7) Records of investigations prepared by the department of health and  
23 welfare pursuant to its statutory responsibilities dealing with the protec-  
24 tion of children, the rehabilitation of youth, adoptions and the commitment  
25 of mentally ill persons. For reasons of health and safety, best interests of  
26 the child or public interest, the department of health and welfare may pro-  
27 vide for the disclosure of records of investigations associated with actions  
28 pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by  
29 the department of health and welfare pursuant to its statutory responsibili-  
30 ties dealing with the protection of children except any such records regard-  
31 ing adoptions shall remain exempt from disclosure.

32 (8) Records including, but not limited to, investigative reports,  
33 resulting from investigations conducted into complaints of discrimination  
34 made to the Idaho human rights commission unless the public interest in  
35 allowing inspection and copying of such records outweighs the legitimate  
36 public or private interest in maintaining confidentiality of such records.  
37 A person may inspect and copy documents from an investigative file to which  
38 he or she is a named party if such documents are not otherwise prohibited from  
39 disclosure by federal law or regulation or state law. The confidentiality of  
40 this subsection will no longer apply to any record used in any judicial pro-  
41 ceeding brought by a named party to the complaint or investigation, or by the  
42 Idaho human rights commission, relating to the complaint of discrimination.

43 (9) Records containing information obtained by the manager of the Idaho  
44 state insurance fund pursuant to chapter 9, title 72, Idaho Code, from or on  
45 behalf of employers or employees contained in underwriting and claims for  
46 benefits files.

47 (10) The worker's compensation records of the Idaho industrial commis-  
48 sion provided that the industrial commission shall make such records avail-  
49 able:

1 (a) To the parties in any worker's compensation claim and to the indus-  
2 trial special indemnity fund of the state of Idaho; or

3 (b) To employers and prospective employers subject to the provisions of  
4 the Americans with disabilities act, 42 U.S.C. 12112, or other statu-  
5 tory limitations, who certify that the information is being requested  
6 with respect to a worker to whom the employer has extended an offer of  
7 employment and will be used in accordance with the provisions of the  
8 Americans with disabilities act, 42 U.S.C. 12112, or other statutory  
9 limitations; or

10 (c) To employers and prospective employers not subject to the provi-  
11 sions of the Americans with disabilities act, 42 U.S.C. 12112, or other  
12 statutory limitations, provided the employer presents a written autho-  
13 rization from the person to whom the records pertain; or

14 (d) To others who demonstrate that the public interest in allowing in-  
15 spection and copying of such records outweighs the public or private in-  
16 terest in maintaining the confidentiality of such records, as deter-  
17 mined by a civil court of competent jurisdiction; or

18 (e) Although a claimant's records maintained by the industrial commis-  
19 sion, including medical and rehabilitation records, are otherwise ex-  
20 empt from public disclosure, the quoting or discussing of medical or re-  
21 habilitation records contained in the industrial commission's records  
22 during a hearing for compensation or in a written decision issued by the  
23 industrial commission shall be permitted; provided further, the true  
24 identification of the parties shall not be exempt from public disclo-  
25 sure in any written decision issued and released to the public by the in-  
26 dustrial commission.

27 (11) Records of investigations compiled by the commission on aging in-  
28 volving vulnerable adults, as defined in section 18-1505, Idaho Code, al-  
29 leged to be abused, neglected or exploited.

30 (12) Criminal history records and fingerprints, as defined by section  
31 67-3001, Idaho Code, and compiled by the Idaho state police. Such records  
32 shall be released only in accordance with chapter 30, title 67, Idaho Code.

33 (13) Records furnished or obtained pursuant to section 41-1019, Idaho  
34 Code, regarding termination of an appointment, employment, contract or  
35 other insurance business relationship between an insurer and a producer.

36 (14) Records of a prisoner or former prisoner in the custody of any state  
37 or local correctional facility, when the request is made by another prisoner  
38 in the custody of any state or local correctional facility.

39 (15) Except as provided in section 72-1007, Idaho Code, records of the  
40 Idaho industrial commission relating to compensation for crime victims un-  
41 der chapter 10, title 72, Idaho Code.

42 (16) Records or information identifying a complainant maintained by the  
43 department of health and welfare pursuant to section 39-3556, Idaho Code,  
44 relating to certified family homes, unless the complainant consents in writ-  
45 ing to the disclosure or the disclosure of the complainant's identity is re-  
46 quired in any administrative or judicial proceeding.

47 (17) School safety and security plans and related annual reports to the  
48 state board of education, as provided in section 33-1804, Idaho Code.