

IN THE SENATE

SENATE BILL NO. 1133, As Amended

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 SECURITY PLANS AND TO PROVIDE THAT CERTAIN PLANS AND REPORTS ARE
5 CONFIDENTIAL AND EXEMPT FROM DISCLOSURE; AND AMENDING SECTION 9-340B,
6 IDAHO CODE, TO PROVIDE THAT CERTAIN PLANS, RESULTS AND REPORTS ARE EX-
7 EMPT 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 SECURITY PLANS. (1) Beginning in the 2014-2015 school
18 year, the board of trustees of every school district, or the board of
19 trustees' designee, and the sheriff of each county in which the district is
20 located, or the sheriff's designee, shall together develop, implement and
21 maintain a security plan for every public elementary and secondary school
22 located within the district. Such plans shall be based upon a standardized
23 threat assessment for public schools. Every security plan shall:

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

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

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

37 (2) Each board of trustees shall report annually to the state depart-
38 ment of education on its security plan, which shall include information re-
39 lating to training, threat assessment analysis, effectiveness of security
40 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) Security plans and the annual reports provided in subsection (2) of
6 this section shall be confidential and exempt from disclosure under section
7 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 security plans, threat assessment results and related an-
48 nual reports to the state board of education, as provided in section 33-1804,
49 Idaho Code.