

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 118, As Amended

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO CRIMINAL PROCEDURE; AMENDING CHAPTER 19, TITLE 19, IDAHO CODE,
2 BY THE ADDITION OF A NEW SECTION 19-1910, IDAHO CODE, TO PROVIDE CERTAIN
3 REQUIREMENTS FOR PRETRIAL RISK ASSESSMENT TOOLS AND TO DEFINE A TERM.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Chapter 19, Title 19, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
8 ignated as Section 19-1910, Idaho Code, and to read as follows:

9 19-1910. PRETRIAL RISK ASSESSMENT TOOLS. (1) All pretrial risk as-
10 sessment tools shall be transparent, and:

11 (a) All documents, data, records, and information used to build or val-
12 idate the risk assessment and ongoing documents, data, records, infor-
13 mation, and policies surrounding the usage of the risk assessment shall
14 be open to public inspection, auditing, and testing;

15 (b) A party to a criminal case wherein a court has considered, or an ex-
16 pert witness has relied upon, a pretrial risk assessment tool shall be
17 entitled to review all calculations and data used to calculate his own
18 risk score; and

19 (c) No builder or user of a pretrial risk assessment tool may assert
20 trade secret or other protections in order to quash discovery in a crim-
21 inal or civil case.

22 (2) For purposes of this section, "pretrial risk assessment tool" means
23 a process that creates or scores particular factors in order to estimate a
24 person's level of risk to fail to appear in court, risk to commit a new crime,
25 or risk posed to the community in order to then classify a person into a par-
26 ticular category of risk or to make recommendations as to bail and conditions
27 of release based on such risk, whether made on an individualized basis or
28 based on a grid or schedule.