

IN THE SENATE

SENATE BILL NO. 1327

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO UNLAWFUL DETAINER; AMENDING CHAPTER 3, TITLE 6, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 6-303A, IDAHO CODE, TO PROVIDE FOR THE
3 SHIELDING OF CERTAIN RECORDS REGARDING UNLAWFUL DETAINER; AMENDING
4 SECTION 74-105, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 108, LAWS
5 OF 2023, SECTION 30, CHAPTER 218, LAWS OF 2023, AND SECTION 39, CHAPTER
6 220, LAWS OF 2023, TO PROVIDE THAT CERTAIN RECORDS SHALL BE EXEMPT FROM
7 DISCLOSURE AND TO REMOVE SURPLUS VERBIAGE; AND DECLARING AN EMERGENCY
8 AND PROVIDING AN EFFECTIVE DATE.
9

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

11 SECTION 1. That Chapter 3, Title 6, 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 6-303A, Idaho Code, and to read as follows:

14 6-303A. RECORDS SHIELDED FROM DISCLOSURE. (1) A person who is the de-
15 fendant in an unlawful detainer case under section 6-303, Idaho Code, and
16 whose case is filed on or after January 1, 2025, will, without the filing of
17 a petition, have shielded from public disclosure all records of the unlawful
18 detainer if:

19 (a) The entire case was dismissed;

20 (b) There is no appeal pending for the case; and

21 (c) At least three (3) years have passed from the day on which the evic-
22 tion was filed or the parties stipulated to shielding and have filed the
23 stipulation with the court.

24 (2) Shielding shall protect against the disclosure of unlawful de-
25 tainer records and make them unavailable for public viewing.

26 (3) The procedures set forth in this section, including the specific
27 processes established that affect access to court records, are subject to
28 the rules of the Idaho supreme court and the capabilities of its record-keep-
29 ing system.

30 (4) Nothing in this section shall be construed to limit court staff
31 from accessing any records or databases created or maintained by the courts.
32 Records shielded from public disclosure pursuant to this section may be ac-
33 cessed at any time by the parties involved in the case.

34 (5) Any party may petition for the sealing of eviction records pursuant
35 to Idaho supreme court administrative rules.

36 SECTION 2. That Section 74-105, Idaho Code, as amended by Section 2,
37 Chapter 108, Laws of 2023, Section 30, Chapter 218, Laws of 2023, and Section
38 39, Chapter 220, Laws of 2023, be, and the same is hereby amended to read as
39 follows:

1 74-105. RECORDS EXEMPT FROM DISCLOSURE -- LAW ENFORCEMENT RECORDS,
2 INVESTIGATORY RECORDS OF AGENCIES, EVACUATION AND EMERGENCY RESPONSE PLANS,
3 WORKER'S COMPENSATION. The following records are exempt from disclosure:

4 (1) Investigatory records of a law enforcement agency as defined in
5 section 74-101(7), Idaho Code, under the conditions set forth in section
6 74-124, Idaho Code.

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

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

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

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

29 (ii) Records that contain any identifying information or any in-
30 formation that would lead to the identification of any victims or
31 witnesses;

32 (iii) Records that reflect future transportation or movement of a
33 prisoner;

34 (iv) Records gathered during the course of the presentence inves-
35 tigation; and

36 (v) Records of a prisoner as defined in section 74-101(10), Idaho
37 Code, or probationer shall not be disclosed to any other prisoner
38 or probationer.

39 (b) Records, other than public expenditure records, related to pro-
40 posed or existing critical infrastructure held by or in the custody
41 of any public agency only when the disclosure of such information is
42 reasonably likely to jeopardize the safety of persons, property or the
43 public safety. Such records may include emergency evacuation, escape
44 or other emergency response plans, vulnerability assessments, oper-
45 ation and security manuals, plans, blueprints or security codes. For
46 purposes of this paragraph, "system" includes electrical, computer
47 and telecommunications systems, electric power (including produc-
48 tion, generating, transportation, transmission and distribution), and
49 heating, ventilation, and air conditioning. For purposes of this sub-
50 section, "critical infrastructure" means any system or asset, whether

1 physical or virtual, so vital to the state of Idaho, including its po-
2 litical subdivisions, that the incapacity or destruction of such system
3 or asset would have a debilitating impact on state or national economic
4 security, state or national public health or safety, or any combination
5 of those matters.

6 (c) Records of the Idaho commission of pardons and parole shall be ex-
7 empt from public disclosure pursuant to sections 20-1003 and 20-1005,
8 Idaho Code. Records exempt from disclosure shall also include those
9 containing the names, addresses and written statements of victims.

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

17 (6) Records of the sheriff or Idaho state police received or maintained
18 pursuant to sections 18-3302, 18-3302H and 18-3302K, Idaho Code, relating
19 to an applicant or licensee, except that any law enforcement officer and law
20 enforcement agency, whether inside or outside the state of Idaho, may access
21 information maintained in the license record system as set forth in section
22 18-3302K(16), Idaho Code.

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

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

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

48 (10) The worker's compensation records of the Idaho industrial commis-
49 sion, provided that the industrial commission shall make such records avail-
50 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, alleged
29 to be abused, neglected or exploited.

30 (12) Criminal history records and fingerprints as defined in 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 pur-
41 suant to 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) Records of any certification or notification required by federal
48 law to be made in connection with the acquisition or transfer of a firearm,
49 including a firearm as defined in 26 U.S.C. 5845(a).

1 (18) Records of the office of the state public defender and the office of
2 the state appellate public defender containing information protected or ex-
3 empted from disclosure under the rules adopted by the Idaho supreme court,
4 attorney work product, attorney-client privileged communication, records
5 containing confidential information from an individual about his criminal
6 case or performance of his attorney, or confidential information about an
7 inquiry into an attorney's fitness to represent indigent defendants. ~~en~~

8 (19) Records and information received by the office of the state con-
9 troller from any local government, state agency and department, or volunteer
10 nongovernmental entity for purposes of entry into the criminal justice
11 integrated data system pursuant to section 19-4803, Idaho Code, and all
12 records created by persons authorized to research and analyze information
13 entered into the criminal justice integrated data system, regardless of
14 whether such records were previously exempted from disclosure or redacted
15 pursuant to state or federal law or court order. This exemption does not
16 apply to projects, reports, and data analyses approved for release by the
17 data oversight council and issued by persons authorized to conduct research
18 and analysis as set forth in chapter 48, title 19, Idaho Code. Records and
19 information relating to the management of the criminal justice integrated
20 data system shall not be exempt from disclosure except as otherwise provided
21 in law.

22 (20) Records that contain any identifying information or any informa-
23 tion that could lead to the identification of any persons or entities that
24 participate in or assist with an execution of a death sentence as described
25 in section 19-2716A, Idaho Code.

26 (21) Records, other than public expenditure records, relating to
27 the nature, location, or function of cybersecurity devices, programs, or
28 systems designed to protect computer, information technology, or communica-
29 tions systems against terrorist or other attacks.

30 (22) Any index, report, or records of any person arrested for, prose-
31 cuted for, or convicted of a crime in this state who has successfully peti-
32 tioned a court to have his records shielded from disclosure pursuant to sec-
33 tion 67-3004(11), Idaho Code.

34 (23) Any record of an unlawful detainer under section 6-303, Idaho
35 Code, if shielded by the court pursuant to section 6-303A, Idaho Code.

36 SECTION 3. An emergency existing therefor, which emergency is hereby
37 declared to exist, this act shall be in full force and effect on and after
38 July 1, 2024.