

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 19

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO CRIMINAL HISTORY RECORDS; AMENDING SECTION 67-3008, IDAHO CODE,  
2 TO AUTHORIZE THE SUBMISSION OF FINGERPRINTS OF CERTAIN PERSONS TO THE  
3 BUREAU OF CRIMINAL IDENTIFICATION, TO REVISE TERMINOLOGY, AND TO MAKE  
4 TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-  
5 FECTIVE DATE.  
6

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

8 SECTION 1. That Section 67-3008, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 67-3008. RELEASE OF CRIMINAL HISTORY RECORD INFORMATION. (1) All  
11 units of state, city, and local governments, ~~as well as~~; any agency of the  
12 state created by the legislature ~~which that~~ requires by statute, rule, or lo-  
13 cal or county ordinance, ~~fingerprinting of applicants or licensees,~~ and any  
14 persons associated with private, noncriminal justice entities that qualify  
15 under the national child protection act of 1993 and volunteers for children  
16 act that serve vulnerable populations such as children, the elderly, and  
17 individuals with disabilities are authorized to submit fingerprints to the  
18 bureau for examination and further submission, if necessary, to the fed-  
19 eral bureau of investigation. The bureau shall be the state's sole source  
20 of fingerprint submissions for criminal justice and applicant or licensing  
21 purposes to the federal bureau of investigation.

22 (2) The department shall provide copies of or communicate information  
23 from criminal history records to the following:

24 (a) Criminal justice agencies and the court;

25 (b) A person or public agency or private agency entity, upon written ap-  
26 plication on a form approved by the director and provided by the depart-  
27 ment, subject to the following restrictions:

28 (i) A request for criminal history records must be submitted in  
29 writing or as provided by rule. However, the department shall ac-  
30 cept a request presented in person by the subject of the record;  
31 ~~and~~

32 (ii) The request must identify a specific person by name and date  
33 of birth. Fingerprints of the person named may be required to es-  
34 tablish positive identification; ~~and~~

35 (iii) Responding to the request does not interfere with the secure  
36 and orderly conduct of the department and would not substantially  
37 prejudice or prevent the carrying out of the functions of the de-  
38 partment; ~~and~~

39 (iv) A record of an arrest that does not contain a disposition af-  
40 ter twelve (12) months from the date of arrest may only be dissem-  
41 inated by the department to criminal justice agencies, to the sub-  
42 ject of the record, or to a person requesting the criminal history

1 information with a signed release from the subject of the record;  
2 and

3 (v) Any release of criminal history data by the department shall  
4 prominently display the statement: "AN ARREST WITHOUT DISPOSI-  
5 TION IS NOT AN INDICATION OF GUILT."

6 (3) Judicial review of the department's denial of a request for records  
7 shall be in accordance with the provisions of section 74-115, Idaho Code.

8 (4) A request for a criminal history record by a criminal justice agency  
9 or a court shall take precedence over all other requests. The department  
10 shall adopt rules to set forth the manner by which criminal justice agencies  
11 and courts without direct access to the public safety and security informa-  
12 tion system established by section 19-5202, Idaho Code, may request Idaho  
13 criminal history record information.

14 (5) Unless otherwise provided by law, access authorized under this sec-  
15 tion to criminal history records does not create a duty upon a person, em-  
16 ployer, private ~~agency~~ entity, or public agency to examine the criminal his-  
17 tory record of an applicant, employee or volunteer.

18 (6) A person or private ~~agency~~ entity, or public agency, other than the  
19 department, shall not disseminate criminal history record information ob-  
20 tained from the department to a person or agency that is not a criminal jus-  
21 tice agency or a court without a signed release of the subject of record or  
22 unless otherwise provided by law.

23 (7) Direct access to criminal history record information is regulated  
24 by chapter 52, title 19, Idaho Code, and the rules adopted pursuant to that  
25 chapter.

26 SECTION 2. An emergency existing therefor, which emergency is hereby  
27 declared to exist, this act shall be in full force and effect on and after  
28 July 1, 2025.