

IN THE SENATE

SENATE BILL NO. 1250

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO RECORDS EXEMPT FROM DISCLOSURE; AMENDING SECTION 74-105, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS SHALL BE EXEMPT FROM DISCLOSURE, TO PROVIDE AN EXCEPTION, AND TO DEFINE A TERM; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 74-105, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

(ii) Records that contain any identifying information or any information that would lead to the identification of any victims or witnesses;

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

1 (iv) Records gathered during the course of the presentence inves-
2 tigation; and

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

6 (b) Records, other than public expenditure records, related to pro-
7 posed or existing critical infrastructure held by or in the custody
8 of any public agency only when the disclosure of such information is
9 reasonably likely to jeopardize the safety of persons, property or the
10 public safety. Such records may include emergency evacuation, escape
11 or other emergency response plans, vulnerability assessments, oper-
12 ation and security manuals, plans, blueprints or security codes. For
13 purposes of this paragraph, "system" includes electrical, computer
14 and telecommunications systems, electric power (including produc-
15 tion, generating, transportation, transmission and distribution), and
16 heating, ventilation, and air conditioning. For purposes of this sub-
17 section, "critical infrastructure" means any system or asset, whether
18 physical or virtual, so vital to the state of Idaho, including its po-
19 litical subdivisions, that the incapacity or destruction of such system
20 or asset would have a debilitating impact on state or national economic
21 security, state or national public health or safety, or any combination
22 of those matters.

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

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

34 (6) Records of the sheriff or Idaho state police received or maintained
35 pursuant to sections 18-3302, 18-3302H and 18-3302K, Idaho Code, relating
36 to an applicant or licensee, except that any law enforcement officer and law
37 enforcement agency, whether inside or outside the state of Idaho, may access
38 information maintained in the license record system as set forth in section
39 18-3302K(16), Idaho Code.

40 (7) Records of investigations prepared by the department of health and
41 welfare pursuant to its statutory responsibilities dealing with the protec-
42 tion of children, the rehabilitation of youth, adoptions and the commitment
43 of mentally ill persons. For reasons of health and safety, best interests of
44 the child or public interest, the department of health and welfare may pro-
45 vide for the disclosure of records of investigations associated with actions
46 pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by
47 the department of health and welfare pursuant to its statutory responsibil-
48 ities dealing with the protection of children, except any such records re-
49 garding adoptions shall remain exempt from disclosure.

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

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

16 (10) The worker's compensation records of the Idaho industrial commis-
17 sion, provided that the industrial commission shall make such records avail-
18 able:

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

21 (b) To employers and prospective employers subject to the provisions of
22 the Americans with disabilities act, 42 U.S.C. 12112, or other statu-
23 tory limitations, who certify that the information is being requested
24 with respect to a worker to whom the employer has extended an offer of
25 employment and will be used in accordance with the provisions of the
26 Americans with disabilities act, 42 U.S.C. 12112, or other statutory
27 limitations; or

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

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

36 (e) Although a claimant's records maintained by the industrial commis-
37 sion, including medical and rehabilitation records, are otherwise ex-
38 empt from public disclosure, the quoting or discussing of medical or re-
39 habilitation records contained in the industrial commission's records
40 during a hearing for compensation or in a written decision issued by the
41 industrial commission shall be permitted; provided further, the true
42 identification of the parties shall not be exempt from public disclo-
43 sure in any written decision issued and released to the public by the in-
44 dustrial commission.

45 (11) Records of investigations compiled by the commission on aging in-
46 volving vulnerable adults as defined in section 18-1505, Idaho Code, alleged
47 to be abused, neglected or exploited.

48 (12) Criminal history records and fingerprints as defined in section
49 67-3001, Idaho Code, and compiled by the Idaho state police. Such records
50 shall be released only in accordance with chapter 30, title 67, Idaho Code.

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

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

7 (15) Except as provided in section 72-1007, Idaho Code, records of the
8 Idaho industrial commission relating to compensation for crime victims pur-
9 suant to chapter 10, title 72, Idaho Code.

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

15 (17) Records of any certification or notification required by federal
16 law to be made in connection with the acquisition or transfer of a firearm,
17 including a firearm as defined in 26 U.S.C. 5845(a).

18 (18) Records of the office of the state public defender and the office of
19 the state appellate public defender containing information protected or ex-
20 empted from disclosure under the rules adopted by the Idaho supreme court,
21 attorney work product, attorney-client privileged communication, records
22 containing confidential information from an individual about his criminal
23 case or performance of his attorney, or confidential information about an
24 inquiry into an attorney's fitness to represent indigent defendants.

25 (19) Records and information received by the office of the state con-
26 troller from any local government, state agency and department, or volunteer
27 nongovernmental entity for purposes of entry into the criminal justice
28 integrated data system pursuant to section 19-4803, Idaho Code, and all
29 records created by persons authorized to research and analyze information
30 entered into the criminal justice integrated data system, regardless of
31 whether such records were previously exempted from disclosure or redacted
32 pursuant to state or federal law or court order. This exemption does not
33 apply to projects, reports, and data analyses approved for release by the
34 data oversight council and issued by persons authorized to conduct research
35 and analysis as set forth in chapter 48, title 19, Idaho Code. Records and
36 information relating to the management of the criminal justice integrated
37 data system shall not be exempt from disclosure except as otherwise provided
38 in law.

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

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

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

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

3 (24) Any photographs or images of a decedent taken as part of a coroner
4 death investigation or law enforcement investigation regardless of whether
5 such investigation is active or not; however, such photographs or images may
6 be disclosed upon request to a decedent's next of kin once the coroner death
7 investigation, law enforcement investigation, and criminal case, including
8 all appeals and all civil proceedings related to the criminal case, are no
9 longer active. As used in this subsection, "next of kin" means the closest
10 living relative in the order of spouse, adult children, parents, siblings,
11 and grandparents.

12 SECTION 2. An emergency existing therefor, which emergency is hereby
13 declared to exist, this act shall be in full force and effect on and after
14 July 1, 2026.