

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 118, As Amended

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO CRIMINAL PROCEDURE; AMENDING CHAPTER 19, TITLE 19, IDAHO CODE,
BY THE ADDITION OF A NEW SECTION 19-1910, IDAHO CODE, TO PROVIDE CERTAIN
REQUIREMENTS FOR PRETRIAL RISK ASSESSMENT TOOLS AND TO DEFINE A TERM.

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

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

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

(a) All documents, data, records, and information used to build or validate the risk assessment and ongoing documents, data, records, information, and policies surrounding the usage of the risk assessment shall be open to public inspection, auditing, and testing;

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

(c) No builder or user of a pretrial risk assessment tool may assert trade secret or other protections in order to quash discovery in a criminal or civil case.

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