

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 291

BY WAYS AND MEANS COMMITTEE

AN ACT

1  
2 RELATING TO COUNTY RECORDS; AMENDING SECTION 31-871, IDAHO CODE, TO PROVIDE  
3 FOR THE CLASSIFICATION OF LAW ENFORCEMENT MEDIA RECORDINGS, TO PROVIDE  
4 FOR THE RETENTION OF LAW ENFORCEMENT MEDIA RECORDINGS, TO DEFINE TERMS  
5 AND TO MAKE A TECHNICAL CORRECTION.

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

7 SECTION 1. That Section 31-871, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 31-871. CLASSIFICATION AND RETENTION OF RECORDS. (1) County records  
10 shall be classified as follows:

11 (a) "Law enforcement media recording" means a digital record created by  
12 a law enforcement agency in the performance of its duties that consists  
13 of a recording of visual or audible components or both.

14 (b) "Permanent records" shall consist of, but not be limited to, the  
15 following: proceedings of the governing body, ordinances, resolu-  
16 tions, building plans and specifications for commercial projects and  
17 government buildings, bond register, warrant register, budget records,  
18 general ledger, cash books and records affecting the title to real prop-  
19 erty or liens thereon, and other documents or records as may be deemed of  
20 permanent nature by the board of county commissioners.

21 ~~(bc)~~ "Semipermanent records" shall consist of, but not be limited  
22 to, the following: claims, contracts, canceled checks, warrants, du-  
23 plicate warrants, license applications, building applications for  
24 commercial projects and government buildings, departmental reports,  
25 purchase orders, vouchers, duplicate receipts, bonds and coupons,  
26 financial records, and other documents or records as may be deemed of  
27 semipermanent nature by the board of county commissioners.

28 (ed) "Temporary records" shall consist of, but not be limited to,  
29 the following: correspondence not related to subsections (1) and (2)  
30 of this section, building applications, plans, and specifications  
31 for noncommercial and nongovernment projects after the structure or  
32 project receives final inspection and approval, cash receipts subject  
33 to audit, and other records as may be deemed temporary by the board of  
34 county commissioners.

35 ~~(de)~~ Those records not included in ~~subsection (1) paragraph (a), (b)~~  
36 ~~or, (c) or (d)~~ of this subsection shall be classified as permanent,  
37 semipermanent or temporary by the board of county commissioners and  
38 upon the advice of the office of the prosecuting attorney.

39 (2) County records shall be retained as follows:

40 (a) Permanent records shall be retained for not less than ten (10)  
41 years.

1 (b) Semipermanent records shall be kept for not less than five (5) years  
2 after date of issuance or completion of the matter contained within the  
3 record.

4 (c) Temporary records shall be retained for not less than two (2) years.

5 (d) Law enforcement media recordings with evidentiary value shall be  
6 retained for not less than two hundred (200) days from the date the  
7 recording is made.

8 (e) Law enforcement media recordings that have no evidentiary value and  
9 that are recorded by the law enforcement agency's equipment that is not  
10 affixed to any building or structure's interior or exterior wall shall  
11 be retained for not less than sixty (60) days from the date the recording  
12 is made.

13 (f) Law enforcement media recordings that have no evidentiary value and  
14 that are recorded by the law enforcement agency's equipment that is af-  
15 fixed to any building or structure's interior or exterior wall shall be  
16 retained for not less than thirty (30) days from the date the recording  
17 is made.

18 (g) Records may only be destroyed by resolution of the board of county  
19 commissioners after regular audit and upon the advice of the prosecut-  
20 ing attorney, except for law enforcement media recordings, which may be  
21 deleted without a resolution. A resolution ordering destruction must  
22 list, in detail, records to be destroyed. Such disposition shall be un-  
23 der the direction and supervision of the elected official or department  
24 head responsible for such records.

25 (eh) The provisions of this section shall control the classification  
26 and, retention schedules and destruction of all county records unless  
27 otherwise provided in Idaho Code or any applicable federal law.

28 (3) As used in this section:

29 (a) "Evidentiary value" means containing information relevant to:

30 (i) Any use of force by a government agency;

31 (ii) Any events leading up to and including an arrest or citation  
32 for a criminal offense;

33 (iii) Any events that constitute a criminal offense;

34 (iv) Any encounter about which a complaint has been filed by a sub-  
35 ject, or his representative, of the media recording;

36 (v) Any encounter about which a valid public records request  
37 has been filed by a subject, or his representative, of the media  
38 recording.

39 (b) "Law enforcement agency" means a county agency given law enforce-  
40 ment powers or that has authority to investigate, enforce, prosecute  
41 or punish violators of state or federal criminal statutes, ordinances  
42 or regulations, including a county sheriff's office, a county prosecut-  
43 ing attorney's office, and misdemeanor and juvenile probation offices.  
44 "Law enforcement agency" shall include any private entity contracting  
45 with a county to provide the services of a law enforcement agency.

46 (c) "Valid public records request" means a request as described in sec-  
47 tion 74-102, Idaho Code.