

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 560

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO THE PEACE OFFICER STANDARDS AND TRAINING COUNCIL; AMENDING SEC-  
2 TION 19-5109, IDAHO CODE, TO REVISE A PROVISION REGARDING POWERS OF THE  
3 COUNCIL AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY  
4 AND PROVIDING AN EFFECTIVE DATE.  
5

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

7 SECTION 1. That Section 19-5109, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 19-5109. POWERS OF THE COUNCIL -- STANDARDS OF TRAINING, EDUCATION AND  
10 EMPLOYMENT OF PEACE OFFICERS -- CERTIFICATION -- PENALTIES. (1) It shall be  
11 the duty of and the council shall have the power:

12 (a) To establish the requirements of minimum basic training that peace  
13 officers shall complete in order to be eligible for permanent employ-  
14 ment as peace officers, and the time within which such basic training  
15 must be completed. One (1) component of minimum basic training shall  
16 be a course in the investigation and collection of evidence in cases in-  
17 volving an allegation of sexual assault or battery;

18 (b) To establish the requirements of minimum education and training  
19 standards for employment as a peace officer in probationary, temporary,  
20 part-time, and/or emergency positions;

21 (c) To establish the length of time a peace officer may serve in a proba-  
22 tionary, temporary, and/or emergency position;

23 (d) To approve, deny approval or revoke the approval of any institution  
24 or school established by the state or any political subdivision or any  
25 other party for the training of peace officers;

26 (e) To establish the minimum requirements of courses of study, at-  
27 tendance, equipment, and facilities of all approved schools, and the  
28 scholastic requirement, experience, and training of instructors at all  
29 approved schools;

30 (f) To establish such other requirements for employment, retention and  
31 promotion of peace officers, including minimum age, physical and men-  
32 tal standards, citizenship, moral character, experience and such other  
33 matters as relate to the competence and reliability of peace officers;

34 (g) To certify peace officers as having completed all requirements es-  
35 tablished by the council in order to be eligible for permanent employ-  
36 ment as peace officers in this state;

37 (h) To receive and file for record copies of merit regulations or local  
38 ordinances passed by any political subdivision;

39 (i) To maintain permanent files and transcripts for all peace officers  
40 certified by the council to include any additional courses or advanced  
41 courses of instruction successfully completed by such peace officers  
42 while employed in this state and to include the law enforcement em-

1        ployment history by agency and dates of service of the officer. Such  
2        information shall be made available to any law enforcement agency upon  
3        request when a person applies for employment at the requesting law en-  
4        forcement agency-; and

5        (j) To allow a peace officer of a federally recognized Indian tribe  
6        within the boundaries of this state to attend the peace officer stan-  
7        dards and training academy if said peace officer meets minimum physical  
8        and educational requirements of the academy. The Indian tribal law  
9        enforcement agency shall reimburse the peace officer standards and  
10       training academy for the officer's training. Upon satisfactory com-  
11       pletion of the peace officer standards and training academy, the tribal  
12       peace officer shall receive a certificate of satisfactorily completing  
13       the academy.

14       (2) After January 1, 1974, any peace officer as defined in section  
15       19-5101(d), Idaho Code, employed after January 1, 1974, except any elected  
16       official or deputy serving civil process, the deputy director of the Idaho  
17       state police, or any person serving under a temporary commission with any  
18       law enforcement agency in times of natural or man-caused disaster declared  
19       to be an emergency by the board of county commissioners or by the governor  
20       of the state of Idaho, or those peace officers whose primary duties involve  
21       motor vehicle parking and animal control pursuant to city or county ordi-  
22       nance, or any peace officer acting under a special deputy commission from  
23       the Idaho state police, shall be certified by the council within one (1) year  
24       of employment; provided, however, that the council may establish criteria  
25       different than that required of other peace officers for certification of  
26       city police chiefs or administrators within state agencies having law en-  
27       forcement powers who, because of the number of full-time peace officers they  
28       supervise, have duties that are primarily administrative. Any such chief of  
29       police or state agency administrator employed in such capacity prior to July  
30       1, 1987, shall be exempt from certification.

31       (3) The council is designated as a criminal justice agency as defined in  
32       section 67-3012(7) (A) (ii), Idaho Code, for the purposes of obtaining and re-  
33       taining confidential criminal justice information by means of criminal jus-  
34       tice services as defined in section 67-3012(8), Idaho Code. Such informa-  
35       tion shall be used to provide for the certification, suspension or revoca-  
36       tion of certification of peace officers and public safety personnel subject  
37       to certification by the council. The council may not record or retain any  
38       confidential criminal justice information without complying with the provi-  
39       sions of chapter 30, title 67, Idaho Code.

40       (4) No peace officer shall have or exercise any power granted by any  
41       statute of this state to peace officers unless such person shall have been  
42       certified by the council within one (1) year of the date on which such per-  
43       son commenced employment as a peace officer, except in cases where the coun-  
44       cil, for good cause and in writing, has granted additional time to complete  
45       such training. The council shall decertify any officer who is convicted of  
46       any felony or offense that would be a felony if committed in this state. The  
47       council may decertify any officer who:

48       (a) Is convicted of any misdemeanor;

49       (b) Willfully or otherwise falsifies or omits any information to obtain  
50       any certified status; or

1 (c) Violates any of the standards of conduct as established by the coun-  
2 cil's code of ethics, as adopted and amended by the council.

3 All proceedings taken by the council shall be conducted in accordance  
4 with chapter 52, title 67, Idaho Code.

5 (5) Any law enforcement agency as defined in section 19-5101(c), Idaho  
6 Code, in which any peace officer shall resign as a result of any disciplinary  
7 action or in which a peace officer's employment is terminated as a result of  
8 any disciplinary action shall, within fifteen (15) days of such action, make  
9 a report to the council.

10 (6) The council shall, pursuant to the requirements of this section,  
11 establish minimum basic training and certification standards for county de-  
12 tention officers that can be completed within one (1) year of employment as a  
13 county detention officer.

14 (7) The council may, upon recommendation of the juvenile training coun-  
15 cil and pursuant to the requirements of this section, implement minimum ba-  
16 sic training and certification standards for juvenile detention officers,  
17 juvenile probation officers, and employees of the Idaho department of juve-  
18 nile corrections who are engaged in the direct care and management of juve-  
19 niles.

20 (8) The council may, upon recommendation of the correction standards  
21 and training council and pursuant to the requirements of this section, es-  
22 tablish minimum basic training and certification standards for state cor-  
23 rection officers and for adult probation and parole officers.

24 (9) The council may, upon recommendation ~~of a~~ from the misdemeanor pro-  
25 probation training advisory committee council and pursuant to the requirements  
26 of this section, establish minimum basic training, continuing education,  
27 and certification standards for misdemeanor probation officers, whether  
28 those officers are employees of, or by private sector contract with, a  
29 county.

30 (10) The council may reject any applicant for certification who has been  
31 convicted of a misdemeanor, and the council shall reject an applicant for  
32 certification who has been convicted of a felony, the punishment for which  
33 could have been imprisonment in a federal or state penal institution.

34 (11) As used in this section, "convicted" means a plea or finding of  
35 guilt, notwithstanding the form of judgment or withheld judgment, regard-  
36 less of whether the sentence is imposed, suspended, deferred or withheld,  
37 and regardless of whether the plea or conviction is set aside or withdrawn or  
38 the case is dismissed or reduced under section 19-2604, Idaho Code, or any  
39 other comparable statute or procedure where the setting aside of the plea or  
40 conviction, or dismissal or reduction of the case or charge, is based upon  
41 lenity or the furtherance of rehabilitation rather than upon any defect in  
42 the legality or factual basis of the plea, finding of guilt or conviction.

43 SECTION 2. An emergency existing therefor, which emergency is hereby  
44 declared to exist, this act shall be in full force and effect on and after  
45 July 1, 2022.