

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 622

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO CRIMINAL HISTORY RECORDS AND CRIME INFORMATION; AMENDING SECTION 67-3001, IDAHO CODE, TO REVISE A DEFINITION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-3001, Idaho Code, be, and the same is hereby amended to read as follows:

67-3001. DEFINITIONS. As used in this chapter:

(1) "Administration of criminal justice" means performance of any of the following activities: detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice includes criminal identification activities and the collection, storage and dissemination of criminal history record information.

(2) "Bureau" means the bureau of criminal identification in the Idaho state police.

(3) "Court" means any court created by the constitution and laws of the state of Idaho; and clerks of the district court.

(4) "Criminal history records" means physical and automated information on individuals collected and maintained by the Idaho state police as a result of arrest or the initiation of a criminal proceeding by felony summons or information. A criminal history record includes, as defined by department rule, any or all of the following information relating to each event that is subject to fingerprinting under section 67-3004, Idaho Code:

- (a) Information relating to offenders;
- (b) Information relating to arrests;
- (c) Information relating to prosecutions;
- (d) Information relating to the disposition of cases by courts;
- (e) Information relating to sentencing;
- (f) Information relating to probation and parole status; and
- (g) Information relating to offenders received by a correctional agency, facility or other institution.

The term shall not include statistical or analytical records, reports in which individuals are not identified and from which their identities are not ascertainable, criminal intelligence information or criminal investigative information, and source information or records maintained by and held at another criminal justice agency or the court.

(5) "Criminal justice agency" means a governmental agency or subdivision of a government entity that performs the administration of criminal justice pursuant to a statute, and that allocates a substantial portion of its budget to the administration of criminal justice.

- 1 (6) "Department" means the Idaho state police.
2 (7) "Director" means the director of the Idaho state police.
3 (8) "Disposition" means the formal or informal conclusion of a criminal
4 proceeding at whatever stage it occurs in the criminal justice system.
5 (9) "Fingerprints" means the fingerprint impressions submitted to and
6 compiled by the bureau, in a manual or automated form, pursuant to section
7 67-3004, Idaho Code.
8 (10) "Pecuniary benefit" means any benefit to a person or member of his
9 household in the form of money, property or commercial interests, the pri-
10 mary significance of which is economic gain.
11 (11) "Retainable offense" means:
12 (a) A felony; ~~or~~
13 (b) ~~A serious misdemeanor as defined by rule adopted under section~~
14 ~~67-3003(2), Idaho Code. punishable by confinement in a county jail for~~
15 ~~more than six (6) months; or~~
16 (c) A misdemeanor involving conduct that upon repeated subsequent of-
17 fenses would fall under paragraph (a) or (b) of this subsection.
18 (12) "Subject of record" means the person who is or may be the primary
19 subject of a record of criminal justice information or any representative of
20 the person designated by power of attorney or notarized authorization.
21 (13) "Working day" means each day except Saturday, Sunday, or a legal
22 state holiday.

23 SECTION 2. An emergency existing therefor, which emergency is hereby
24 declared to exist, this act shall be in full force and effect on and after
25 July 1, 2024.