LEGISLATURE OF THE STATE OF IDAHO Sixty-second Legislature First Regular Session - 2013

IN THE SENATE

SENATE BILL NO. 1133, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO SCHOOL SECURITY PLANS; AMENDING THE HEADING FOR CHAPTER 18, TITLE 33, IDAHO CODE; AMENDING CHAPTER 18, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1804, IDAHO CODE, TO ESTABLISH PROVISIONS FOR
SCHOOL SECURITY PLANS AND TO PROVIDE THAT CERTAIN PLANS AND REPORTS ARE
CONFIDENTIAL AND EXEMPT FROM DISCLOSURE; AND AMENDING SECTION 9-340B,
IDAHO CODE, TO PROVIDE THAT CERTAIN PLANS, RESULTS AND REPORTS ARE EXEMPT FROM DISCLOSURE.

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

1

12

13

SECTION 1. That the Heading for Chapter 18, Title 33, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 18 SAFETY PATROLS <u>AND SECURITY PLANS</u>

SECTION 2. That Chapter 18, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a <u>NEW SECTION</u>, to be known and designated as Section 33-1804, Idaho Code, and to read as follows:

17 33-1804. SCHOOL SECURITY PLANS. (1) Beginning in the 2014-2015 school 18 year, the board of trustees of every school district, or the board of 19 trustees' designee, and the sheriff of each county in which the district is 10 located, or the sheriff's designee, shall together develop, implement and 21 maintain a security plan for every public elementary and secondary school 22 located within the district. Such plans shall be based upon a standardized 23 threat assessment for public schools. Every security plan shall:

24 (a) Have multiple security deterrents designed to effectuate a safe environment on school property and in school buses operating under the 25 authority of the school district. Such deterrents may include, but 26 are not limited to, violence prevention efforts, restricted entries or 27 access, metal detectors at designated points of entry (for designated 28 29 gun-free zones), authorization of persons to carry firearms pursuant to 30 section 18-3302D(4)(f), Idaho Code, school resource officers and other similar deterrents; 31

32 (b) Be reviewed and, if necessary, modified at least annually by the33 board of trustees and the sheriffs or their designees; and

(c) Provide for, at a minimum, annual related safety and crisis re sponse training of all pupils and employees of the school and of the
 school district.

(2) Each board of trustees shall report annually to the state depart ment of education on its security plan, which shall include information re lating to training, threat assessment analysis, effectiveness of security
 deterrents and any deterrent changes made or proposed to be made.

(3) The state department of education shall establish a standardized 1 2 threat assessment tool, a means of securely communicating security related information and a standard metric for the annual review, testing and report-3 ing requirements. 4

5 (4) Security plans and the annual reports provided in subsection (2) of this section shall be confidential and exempt from disclosure under section 6 7 9-340B, Idaho Code.

8 SECTION 3. That Section 9-340B, Idaho Code, be, and the same is hereby amended to read as follows: 9

9-340B. RECORDS EXEMPT FROM DISCLOSURE -- LAW ENFORCEMENT RECORDS, 10 INVESTIGATORY RECORDS OF AGENCIES, EVACUATION AND EMERGENCY RESPONSE PLANS, 11 12 WORKER'S COMPENSATION. The following records are exempt from disclosure:

(1) Investigatory records of a law enforcement agency, as defined in 13 section 9-337(7), Idaho Code, under the conditions set forth in section 14 9-335, Idaho Code. 15

16 (2) Juvenile records of a person maintained pursuant to chapter 5, title 20, Idaho Code, except that facts contained in such records shall be 17 furnished upon request in a manner determined by the court to persons and 18 governmental and private agencies and institutions conducting pertinent 19 research studies or having a legitimate interest in the protection, welfare 20 21 and treatment of the juvenile who is thirteen (13) years of age or younger. If the juvenile is petitioned or charged with an offense which would be a 22 criminal offense if committed by an adult, the name, offense of which the 23 juvenile was petitioned or charged and disposition of the court shall be sub-24 ject to disclosure as provided in section 20-525, Idaho Code. Additionally, 25 26 facts contained in any records of a juvenile maintained under chapter 5, title 20, Idaho Code, shall be furnished upon request to any school district 27 where the juvenile is enrolled or is seeking enrollment. 28

(3) Records of the custody review board of the Idaho department of ju-29 venile corrections, including records containing the names, addresses and 30 written statements of victims and family members of juveniles, shall be ex-31 empt from public disclosure pursuant to section 20-533A, Idaho Code. 32

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

- 33 (i) Records of which the public interest in confidentiality, pub-34 lic safety, security and habilitation clearly outweighs the pub-35 lic interest in disclosure as identified pursuant to the authority 36 of the Idaho board of correction under section 20-212, Idaho Code; 37 (ii) Records that contain any identifying information, or any in-38 formation that would lead to the identification of any victims or 39 witnesses; 40 (iii) Records that reflect future transportation or movement of a 41 42 prisoner; (iv) Records gathered during the course of the presentence inves-43 44 tigation; (v) Records of a prisoner, as defined in section 9-337(10), Idaho 45 Code, or probationer shall not be disclosed to any other prisoner 46 47 or probationer.
- (b) Records of buildings, facilities, infrastructures and systems held 48 49 by or in the custody of any public agency only when the disclosure of

2

such information would jeopardize the safety of persons or the public safety. Such records may include emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints or security codes. For purposes of this section "system" shall mean electrical, heating, ventilation, air conditioning and telecommunication systems.

(c) Records of the commission of pardons and parole shall be exempt from
public disclosure pursuant to section 20-213A, Idaho Code, and section
20-223, Idaho Code. Records exempt from disclosure shall also include
those containing the names, addresses and written statements of victims.

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

(6) Records of the sheriff or Idaho state police received or maintained
 pursuant to sections 18-3302 and 18-3302H, Idaho Code, relating to an applicant or licensee.

(7) Records of investigations prepared by the department of health and 22 23 welfare pursuant to its statutory responsibilities dealing with the protection of children, the rehabilitation of youth, adoptions and the commitment 24 of mentally ill persons. For reasons of health and safety, best interests of 25 the child or public interest, the department of health and welfare may pro-26 vide for the disclosure of records of investigations associated with actions 27 pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by 28 the department of health and welfare pursuant to its statutory responsibili-29 ties dealing with the protection of children except any such records regard-30 31 ing adoptions shall remain exempt from disclosure.

Records including, but not limited to, investigative reports, 32 (8) resulting from investigations conducted into complaints of discrimination 33 made to the Idaho human rights commission unless the public interest in 34 allowing inspection and copying of such records outweighs the legitimate 35 public or private interest in maintaining confidentiality of such records. 36 A person may inspect and copy documents from an investigative file to which 37 he or she is a named party if such documents are not otherwise prohibited from 38 39 disclosure by federal law or regulation or state law. The confidentiality of this subsection will no longer apply to any record used in any judicial pro-40 ceeding brought by a named party to the complaint or investigation, or by the 41 Idaho human rights commission, relating to the complaint of discrimination. 42

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

47 (10) The worker's compensation records of the Idaho industrial commis48 sion provided that the industrial commission shall make such records avail49 able:

(a) To the parties in any worker's compensation claim and to the industrial special indemnity fund of the state of Idaho; or

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

1 2

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

(d) To others who demonstrate that the public interest in allowing inspection and copying of such records outweighs the public or private interest in maintaining the confidentiality of such records, as determined by a civil court of competent jurisdiction; or

(e) Although a claimant's records maintained by the industrial commis-18 sion, including medical and rehabilitation records, are otherwise ex-19 20 empt from public disclosure, the quoting or discussing of medical or rehabilitation records contained in the industrial commission's records 21 during a hearing for compensation or in a written decision issued by the 22 industrial commission shall be permitted; provided further, the true 23 identification of the parties shall not be exempt from public disclo-24 sure in any written decision issued and released to the public by the in-25 26 dustrial commission.

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

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

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

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

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

(16) Records or information identifying a complainant maintained by the
department of health and welfare pursuant to section 39-3556, Idaho Code,
relating to certified family homes, unless the complainant consents in writing to the disclosure or the disclosure of the complainant's identity is required in any administrative or judicial proceeding.

47 (17) School security plans, threat assessment results and related an 48 nual reports to the state board of education, as provided in section 33-1804,
 49 Idaho Code.