

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 94

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO THE CRIMINAL JUSTICE INTEGRATED DATA SYSTEM; AMENDING SECTION
2 19-4804, IDAHO CODE, TO AUTHORIZE A DESIGNEE FROM THE STATE BOARD OF
3 EDUCATION TO SERVE ON THE DATA OVERSIGHT COUNCIL, TO PROVIDE FOR A VICE
4 CHAIRMAN, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMER-
5 GENCY.
6

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

8 SECTION 1. That Section 19-4804, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 19-4804. DATA OVERSIGHT COUNCIL. (1) There is hereby created in the
11 office of the state controller the data oversight council. All requests for
12 projects, reports, and data analyses generated from the criminal justice in-
13 tegrated data system must be approved by the data oversight council.

14 (2) The data oversight council shall be comprised of:

15 (a) The governor or his designee;

16 (b) The chief justice of the Idaho supreme court or his designee;

17 (c) The attorney general or his designee;

18 (d) The state controller or his designee;

19 (e) The director of the department of correction or his designee;

20 (f) The executive director of the commission of pardons and parole or
21 his designee;

22 (g) The director of the department of juvenile corrections or his de-
23 signee;

24 (h) The director of the department of health and welfare or his de-
25 signee;

26 (i) The director of the Idaho state police or his designee;

27 (j) The administrator of the office of information technology services
28 or his designee; and

29 (k) A designee from the state board of education or the state department
30 of education selected by the governor.

31 (3) Any designee under subsection (2) of this section must be an em-
32 ployee in the office, agency, or department of his respective designating
33 authority. Members of the data oversight council shall serve without any ad-
34 ditional compensation or honorarium.

35 (4) The data oversight council, by majority vote, shall elect a chair-
36 man and vice chairman among its members who shall serve a term of two (2)
37 years while serving on the council.

38 (5) All meetings of the data oversight council shall be held in com-
39 pliance with the open meetings law as provided in chapter 2, title 74, Idaho
40 Code.

41 (6) The state controller shall work in collaboration with the data
42 oversight council to manage the criminal justice integrated data system. It

1 shall be the duty of the state controller, in conjunction with the data over-
2 sight council, to assure confidentiality of all records and data collected
3 by the criminal justice integrated data system and to assure compliance
4 with applicable state and federal laws and rules governing the privacy of
5 records, data, and personal identifiable information.

6 (7) Any projects, reports, or data analyses in final form produced by
7 persons authorized to conduct research and analyses under this chapter shall
8 belong to the requesting local government or state agency or department and
9 not the office of the state controller.

10 (8) The Idaho legislature, as well as the contributing state agencies
11 and departments and local governments, shall have priority in requesting any
12 projects, reports, or data analyses to be produced by persons authorized by
13 the data oversight council. The data oversight council may, in its discre-
14 tion, deny any requested project, report, or data analysis where it deter-
15 mines the request is unduly burdensome, voluminous, or cost-prohibitive.

16 (9) The office of the state controller, members of the data oversight
17 council, and all contributing local governments, state agencies and depart-
18 ments, or volunteer nongovernmental entities shall be immune from liability
19 to any person or entity for any invasion of the right to privacy or use of
20 records or data generated by the criminal justice integrated data system.

21 (10) In collaboration with contributing local governments, state agen-
22 cies and departments, or volunteer nongovernmental entities and the data
23 oversight council, the state controller may establish policies addressing
24 the creation of reports generated through the query of records and data pos-
25 sessed by the criminal justice integrated data system. Provided, however,
26 contributing volunteer nongovernmental entities may ~~only~~ collaborate only
27 with respect to the data or information contributed by that volunteer non-
28 governmental entity.

29 SECTION 2. An emergency existing therefor, which emergency is hereby
30 declared to exist, this act shall be in full force and effect on and after its
31 passage and approval.