

IN THE SENATE

SENATE BILL NO. 1154

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE PEACE OFFICER STANDARDS AND TRAINING COUNCIL; AMENDING SEC-  
2 TION 19-5109, IDAHO CODE, TO PROVIDE THAT THE COUNCIL MAY OBTAIN AND RE-  
3 TAIN CERTAIN CRIMINAL JUSTICE INFORMATION IN CERTAIN INSTANCES AND TO  
4 MAKE TECHNICAL CORRECTIONS.  
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 ~~which that~~  
13 peace officers shall complete in order to be eligible for permanent  
14 employment as peace officers, and the time within which such basic  
15 training must be completed. One (1) component of minimum basic training  
16 shall be a course in the investigation ~~of~~ and collection of evidence in  
17 cases involving 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, atten-  
27 dance, equipment, facilities of all approved schools, and the scholas-  
28 tic requirement, experience and training of instructors at all approved  
29 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.

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  
28       they supervise, have duties ~~which~~ that are primarily administrative. Any  
29       such chief of police or state agency administrator employed in such capacity  
30       prior to July 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 ~~upon~~ on which such  
43       person commenced employment as a peace officer, except in cases where the  
44       council, for good cause and in writing, has granted additional time to com-  
45       plete such training. The council shall decertify any officer who is con-  
46       victed of any felony or offense ~~which~~ that would be a felony if committed in  
47       this state. The 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 (45) 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  
8 of any disciplinary action, shall, within fifteen (15) days of such action,  
9 make a report to the council.

10 (56) 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 (67) The council may, upon recommendation of the juvenile training  
15 council and pursuant to the requirements of this section, implement minimum  
16 basic training and certification standards for juvenile detention offi-  
17 cers, juvenile probation officers, and employees of the Idaho department of  
18 juvenile corrections who are engaged in the direct care and management of  
19 juveniles.

20 (78) 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 (89) The council may, upon recommendation of a probation training advi-  
25 sory committee and pursuant to the requirements of this section, establish  
26 minimum basic training, continuing education and certification standards  
27 for misdemeanor probation officers, whether those officers are employees  
28 of, or by private sector contract with, a county.

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

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