

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 499

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO COUNTY RECORDS; AMENDING SECTION 31-871, IDAHO CODE, TO PROVIDE
2 FOR THE CLASSIFICATION AND RETENTION OF LAW ENFORCEMENT MEDIA RECORD-
3 INGS, TO PROVIDE FOR THE DESTRUCTION OF LAW ENFORCEMENT MEDIA RECORD-
4 INGS AND COUNTY RECORDS, TO DEFINE TERMS AND TO MAKE TECHNICAL CORREC-
5 TIONS.
6

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

8 SECTION 1. That Section 31-871, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 31-871. CLASSIFICATION AND RETENTION OF RECORDS. (1) County records
11 shall be classified as follows:

12 (a) "Law enforcement media recording" means a digital record created by
13 a law enforcement agency in the performance of its duties that consists
14 of a recording of visual or audible components or both.

15 (b) "Permanent records" shall consist of, but not be limited to, the
16 following: proceedings of the governing body, ordinances, resolu-
17 tions, building plans and specifications for commercial projects and
18 government buildings, bond register, warrant register, budget records,
19 general ledger, cash books and records affecting the title to real prop-
20 erty or liens thereon, and other documents or records as may be deemed of
21 permanent nature by the board of county commissioners.

22 (bc) "Semipermanent records" shall consist of, but not be limited
23 to, the following: claims, contracts, canceled checks, warrants, du-
24 plicate warrants, license applications, building applications for
25 commercial projects and government buildings, departmental reports,
26 purchase orders, vouchers, duplicate receipts, bonds and coupons,
27 financial records, and other documents or records as may be deemed of
28 semipermanent nature by the board of county commissioners.

29 (ed) "Temporary records" shall consist of, but not be limited to,
30 the following: correspondence not related to subsections (1) and (2)
31 of this section, building applications, plans, and specifications
32 for noncommercial and nongovernment projects after the structure or
33 project receives final inspection and approval, cash receipts subject
34 to audit, and other records as may be deemed temporary by the board of
35 county commissioners.

36 (de) Those records not included in ~~subsection (1) paragraph (a), (b)~~
37 ~~or~~, (c) or (d) of this subsection shall be classified as permanent,
38 semipermanent or temporary by the board of county commissioners and
39 upon the advice of the office of the prosecuting attorney.

40 (2) County records shall be retained as follows:

41 (a) Permanent records shall be retained for not less than ten (10)
42 years.

1 (b) Semipermanent records shall be kept for not less than five (5) years
2 after date of issuance or completion of the matter contained within the
3 record.

4 (c) Temporary records shall be retained for not less than two (2) years.

5 (d) Law enforcement media recordings with evidentiary value shall be
6 retained for not less than two hundred (200) days from the date the
7 recording was made.

8 (e) Law enforcement media recordings that have no evidentiary value and
9 that are recorded by the law enforcement agency's equipment that is not
10 affixed to any building or structure's interior or exterior wall shall
11 be retained for not less than sixty (60) days from the date the recording
12 was made.

13 (f) Law enforcement media recordings that have no evidentiary value and
14 that are recorded by the law enforcement agency's equipment that is af-
15 fixed to any building or structure's interior or exterior wall shall be
16 retained for not less than fourteen (14) days from the date the record-
17 ing was made.

18 (g) Records may ~~only~~ be destroyed only by resolution of the board of
19 county commissioners after regular audit and upon the advice of the
20 prosecuting attorney, except that law enforcement media recordings may
21 be destroyed without a resolution. A resolution ordering destruction
22 must list, in detail, records to be destroyed. Such disposition shall
23 be under the direction and supervision of the elected official or de-
24 partment head responsible for such records.

25 (eh) The provisions of this section shall control the classification
26 ~~and~~, retention schedules and destruction of all county records unless
27 otherwise provided in Idaho Code or any applicable federal law.

28 (3) As used in this section:

29 (a) "Evidentiary value" means containing information relevant to:

30 (i) Any use of force by a government agency;

31 (ii) Any events leading up to and including an arrest or citation
32 for a criminal offense;

33 (iii) Any events that constitute a criminal offense;

34 (iv) Any encounter about which a complaint has been filed by a sub-
35 ject, or his representative, of the law enforcement media record-
36 ing; or

37 (v) Any encounter about which a valid public records request has
38 been filed by a subject, or his representative, of the law enforce-
39 ment media recording.

40 (b) "Law enforcement agency" means a county agency given law enforce-
41 ment powers or that has authority to investigate, enforce, prosecute
42 or punish violators of state or federal criminal statutes, ordinances
43 or regulations including a county sheriff's office, a county prosecut-
44 ing attorney's office, and misdemeanor and juvenile probation offices.
45 "Law enforcement agency" shall include any private entity contracting
46 with a county to provide the services of a law enforcement agency.

47 (c) "Valid public records request" means a request as described in sec-
48 tion 74-102, Idaho Code.