



LEGISLATURE OF THE STATE OF IDAHO



Sixty-fourth Legislature

First Regular Session - 2017

IN THE _____

BILL NO. _____

BY _____

AN ACT

RELATING TO COUNTY RECORDS; AMENDING SECTION 31-871, IDAHO CODE, TO PROVIDE FOR THE CLASSIFICATION OF LAW ENFORCEMENT MEDIA RECORDINGS, TO PROVIDE FOR THE RETENTION OF LAW ENFORCEMENT MEDIA RECORDINGS, TO DEFINE TERMS AND TO MAKE A TECHNICAL CORRECTION.

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

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

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

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

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

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

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

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

(2) County records shall be retained as follows:

(a) Permanent records shall be retained for not less than ten (10) 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 is 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 is 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 is made.

18 (g) Records may only be destroyed by resolution of the board of county
19 commissioners after regular audit and upon the advice of the prosecut-
20 ing attorney, except for law enforcement media recordings, which may be
21 deleted without a resolution. A resolution ordering destruction must
22 list, in detail, records to be destroyed. Such disposition shall be un-
23 der the direction and supervision of the elected official or department
24 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 media recording;

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

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

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