

IN THE SENATE

SENATE BILL NO. 1139

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE PEACE OFFICER STANDARDS AND TRAINING COUNCIL; AMENDING SECTION 19-5109, IDAHO CODE, TO PROVIDE FOR THE REJECTION OF CERTAIN APPLICANTS DUE TO CERTAIN CRIMINAL HISTORY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 19-5109, Idaho Code, be, and the same is hereby amended to read as follows:

19-5109. POWERS OF THE COUNCIL -- STANDARDS OF TRAINING, EDUCATION AND EMPLOYMENT OF PEACE OFFICERS -- CERTIFICATION -- PENALTIES. (1) It shall be the duty of and the council shall have the power:

(a) To establish the requirements of minimum basic training that peace officers shall complete in order to be eligible for permanent employment as peace officers and the time within which such basic training must be completed. One (1) component of minimum basic training shall be a course in the investigation and collection of evidence in cases involving an allegation of sexual assault or battery;

(b) To establish the requirements of minimum education and training standards for employment as a peace officer in probationary, temporary, part-time, and/or emergency positions;

(c) To establish the length of time a peace officer may serve in a probationary, temporary, and/or emergency position;

(d) To approve, deny approval or revoke the approval of any institution or school established by the state or any political subdivision or any other party for the training of peace officers;

(e) To establish the minimum requirements of courses of study, attendance, equipment, and facilities of all approved schools and the scholastic requirement, experience, and training of instructors at all approved schools;

(f) To establish such other requirements for employment, retention and promotion of peace officers, including minimum age, physical and mental standards, citizenship, moral character, experience and such other matters as relate to the competence and reliability of peace officers;

(g) To certify peace officers as having completed all requirements established by the council in order to be eligible for permanent employment as peace officers in this state;

(h) To receive and file for record copies of merit regulations or local ordinances passed by any political subdivision;

(i) To maintain permanent files and transcripts for all peace officers certified by the council to include any additional courses or advanced courses of instruction successfully completed by such peace officers 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; and

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

10 (6) 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 (7) The council may, upon recommendation of the juvenile training coun-
15 cil and pursuant to the requirements of this section, implement minimum ba-
16 sic training and certification standards for juvenile detention officers,
17 juvenile probation officers, and employees of the Idaho department of juve-
18 nile corrections who are engaged in the direct care and management of juve-
19 niles.

20 (8) 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 (9) The council may, upon recommendation from the misdemeanor pro-
25 bation training council and pursuant to the requirements of this section,
26 establish minimum basic training, continuing education, and certification
27 standards for misdemeanor probation officers, whether those officers are
28 employees of, or by private sector contract with, a county.

29 (10) The council may reject any applicant for certification who has been
30 convicted of a misdemeanor, ~~and the~~. The council shall reject an applicant
31 for certification who has been convicted of a any felony, the punishment for
32 which could have been imprisonment in a federal or state penal institution
33 and that is either enumerated in section 18-310(2), Idaho Code, or is a sub-
34 stantially equivalent offense from a jurisdiction other than the state of
35 Idaho. The council may reject any applicant for certification who has been
36 convicted of a felony that has been set aside, expunged, or pardoned or re-
37 duced to a misdemeanor or dismissed pursuant to the terms of section 19-2604,
38 Idaho Code, or that is subject to the terms of a withheld judgment.

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

48 SECTION 2. An emergency existing therefor, which emergency is hereby
49 declared to exist, this act shall be in full force and effect on and after
50 July 1, 2025.