

Moved by Chaney

Seconded by Ehardt (33)

IN THE HOUSE OF REPRESENTATIVES
HOUSE AMENDMENT TO H.B. NO. 118

AMENDMENT TO SECTION 1

1 On page 1 of the printed bill, delete lines 7 through 41, and insert:

2 "SECTION 1. That Chapter 19, Title 19, Idaho Code, be, and the same is
3 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
4 ignated as Section 19-1910, Idaho Code, and to read as follows:
5

6 19-1910. PRETRIAL RISK ASSESSMENT TOOLS. (1) All pretrial risk as-
7 sessment tools shall be transparent, and:

8 (a) All documents, data, records, and information used to build or val-
9 idate the risk assessment and ongoing documents, data, records, infor-
10 mation, and policies surrounding the usage of the risk assessment shall
11 be open to public inspection, auditing, and testing;

12 (b) A party to a criminal case wherein a court has considered, or an ex-
13 pert witness has relied upon, a pretrial risk assessment tool shall be
14 entitled to review all calculations and data used to calculate his own
15 risk score; and

16 (c) No builder or user of a pretrial risk assessment tool may assert
17 trade secret or other protections in order to quash discovery in a crim-
18 inal or civil case.

19 (2) For purposes of this section, "pretrial risk assessment tool" means
20 a process that creates or scores particular factors in order to estimate a
21 person's level of risk to fail to appear in court, risk to commit a new crime,
22 or risk posed to the community in order to then classify a person into a par-
23 ticular category of risk or to make recommendations as to bail and conditions
24 of release based on such risk, whether made on an individualized basis or
25 based on a grid or schedule."

26 CORRECTION TO TITLE

27 On page 1, delete lines 3 through 5, and insert: "BY THE ADDITION OF A NEW
28 SECTION 19-1910, IDAHO CODE, TO PROVIDE CERTAIN REQUIREMENTS FOR PRETRIAL
29 RISK ASSESSMENT TOOLS AND TO DEFINE A TERM."