

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 5

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO SCHOOL SAFETY; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-349, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING IMMUNITY OF BEHAVIORAL THREAT ASSESSMENT AND MANAGEMENT TEAMS IN SCHOOLS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 3, Title 5, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5-349, Idaho Code, and to read as follows:

5-349. IMMUNITY OF BEHAVIORAL THREAT ASSESSMENT AND MANAGEMENT TEAMS IN SCHOOLS. (1) It is the policy of this state to strive to prevent targeted violence in public schools through the use of behavioral threat assessment and management teams in school districts and public charter schools. The legislature finds that the likelihood of an act of targeted violence occurring can be reduced when behaviors that suggest violence as a possible outcome are identified and addressed.

(2) The following definitions shall apply to this section:

(a) "Behavioral threat assessment and management" or "BTAM" means a process to identify students whose behavior elicits concern, assess students' risk of engaging in targeted violence or other harmful activities at school, and implement intervention strategies to manage that risk.

(b) "Behavioral threat assessment and management team" or "BTAM team" means a multidisciplinary team of school or school district or public charter school personnel, which may include faculty, staff, and administrators and may also include available nurses, counselors, and school resource officers, who will direct, manage, and document the threat assessment process. The team may also include, where available and as needed, representatives from a local child advocacy center, representatives from a juvenile assessment center, mental health specialists from the department of health and welfare who are trained in children's mental health, juvenile probation officers, and other community members whose experience or expertise may assist in the threat assessment process, following the protocols and leadership of the local school district or public charter school.

(c) "BTAM model guidelines" means guidelines provided by the Idaho school safety and security program on how to establish behavioral threat assessment and management teams, develop trusted reporting measures, and conduct threat assessments.

(d) "Imminent risk" means a BTAM team's assessment, as a result of its behavioral threat assessment, that a person appears to have at present both the desire and capability to conduct an act of targeted violence

1 and that such person poses an immediate risk of targeted violence that
2 requires imminent containment and action to prevent violence from oc-
3 ccurring.

4 (e) "Targeted violence" means violence that is premeditated and di-
5 rected at specific individuals, groups, or locations, as distinct from
6 violence that is impulsive, random, or spontaneous.

7 (3) The Idaho school safety and security program shall make BTAM model
8 guidelines and ongoing training available to public school districts and
9 public charter schools.

10 (4) (a) Notwithstanding any other provision of law to the contrary,
11 no BTAM team that is organized consistent with the provisions of this
12 section, nor any individual participant therein, shall be liable, nor
13 shall a cause of action exist against a public school district or public
14 charter school, for damages or injuries arising from a failure of the
15 BTAM team of a school district or public charter school to prevent an act
16 of targeted violence, provided that the BTAM team:

17 (i) Acted in good faith in attempting to follow a model in sub-
18 stantial conformance to the BTAM model guidelines and, prior to
19 the act of targeted violence, either:

20 1. Responded in a manner consistent with the BTAM model
21 guidelines to manage the imminent risk at school or at any
22 school-sponsored activity posed by the person who engaged in
23 such act; or

24 2. Determined in good faith, consistent with the BTAM model
25 guidelines, that the person who engaged in such act did not
26 present an imminent risk of targeted violence at school or at
27 any school-sponsored activity; and

28 (ii) Conducted its threat assessment, if any, without violating
29 any state or federal laws regarding:

30 1. The right to keep and bear arms;

31 2. Confidentiality and student privacy; and

32 3. Parental rights.

33 (b) The findings referred to in paragraph (a) of this subsection shall
34 be determined by the court as a matter of law.

35 (5) The provisions of this section shall not be construed to exclude,
36 limit, or otherwise affect the application of any other immunity provisions
37 under Idaho law, including but not limited to the Idaho tort claims act,
38 chapter 9, title 6, Idaho Code.

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