

IN THE SENATE

SENATE BILL NO. 1299, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO DIGITAL IDENTIFICATION; AMENDING CHAPTER 23, TITLE 67, IDAHO  
2 CODE, BY THE ADDITION OF A NEW SECTION 67-2364, IDAHO CODE, TO ESTABLISH  
3 PROVISIONS REGARDING LIMITATIONS ON DIGITAL IDENTIFICATION; PROVIDING  
4 SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE  
5 DATE.  
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 23, Title 67, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 67-2364, Idaho Code, and to read as follows:

11 67-2364. LIMITATIONS ON DIGITAL IDENTIFICATION. (1) As used in this  
12 section:

13 (a) "Digital identification" means an electronic credential issued by  
14 a public entity and stored or displayed on a personal electronic device  
15 to establish a person's identity, age, or legal status.

16 (b) "Public entity" means the state of Idaho or any agency, department,  
17 board, commission, institution, political subdivision, or contractor  
18 acting on behalf of the state.

19 (2) (a) A public entity shall not require any person to obtain, main-  
20 tain, present, or use digital identification.

21 (b) A public entity shall not deny, delay, condition, or reduce any  
22 service, benefit, license, employment, education, or access based on a  
23 person's refusal or inability to use digital identification.

24 (c) Physical, non-digital identification authorized under Idaho law  
25 shall remain valid for all governmental purposes.

26 (3) (a) A public entity shall not require a person to surrender, unlock,  
27 or relinquish control of a personal electronic device for identity ver-  
28 ification.

29 (b) Presentation of digital identification shall not constitute con-  
30 sent to search or access any other contents of a device.

31 (4) (a) Digital identification may be used only for immediate identity  
32 verification.

33 (b) A public entity shall not track individuals, retain identity data  
34 beyond a transaction, or use digital identification as a universal or  
35 shared credential across agencies.

36 (5) (a) The attorney general shall have the authority to enforce the  
37 provisions of this section. Before filing an action for injunctive re-  
38 lief, the attorney general shall provide written notice of the alleged  
39 violation and allow the public entity fifteen (15) days to cure the vi-  
40 olation.

1 (b) If the violation is not cured within fifteen (15) days, the attorney  
2 general may bring an action in district court to enjoin the public en-  
3 tity from violating the provisions of this section.

4 (6) Any person aggrieved by a violation of this section may bring an ac-  
5 tion in district court for declaratory or injunctive relief.

6 (7) A court issuing an order pursuant to this section may enforce such  
7 order through the court's contempt authority as provided by law.

8 (8) A prevailing plaintiff in an action brought pursuant to this sec-  
9 tion shall be entitled to reasonable attorney's fees and costs.

10 (9) No public employee shall be personally liable for actions taken  
11 within the employee's scope of employment.

12 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared  
13 to be severable and if any provision of this act or the application of such  
14 provision to any person or circumstance is declared invalid for any reason,  
15 such declaration shall not affect the validity of the remaining portions of  
16 this act.

17 SECTION 3. An emergency existing therefor, which emergency is hereby  
18 declared to exist, this act shall be in full force and effect on and after  
19 July 1, 2026.