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February 4, 2015

VIA E-MAIL and U.S. MAIL

Representative Ilana S. Rubel
House of Representatives
State of Idaho
2750 E. Migratory Dr.
Boise, ID 83706

Re: Proposed Amendment to Idaho Code Sections 9-352 & 73-210

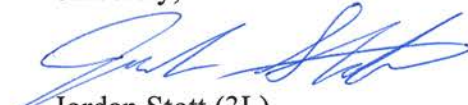
Dear Representative Rubel,

Thank you for the opportunity to conduct research and draft a bill for you and your colleagues concerning the best copyright policy for the Idaho Code. Attached to this cover letter you will find our proposed amendment to Idaho Code Section 73-210, which currently assigns a copyright in the Idaho Code, including the statutory annotations, to the state of Idaho. We also propose repealing Section 9-352, which sets forth the liability of any infringer of the State's copyright. In addition, you will find a brief summary setting forth the policy rationale for these proposed amendments.


Together, the policy rationale and the amendments assert that, as a matter of due process, the law must belong to the citizens it binds and must therefore be part of the public domain for purposes of federal copyright law. Further, we explain why citizens' ability to know and read the law is an essential element to a functioning democracy. We justify these assertions by explaining the benefits, such as innovation, convenience, and accessibility, resulting from the Code's placement in the public domain. We also address the concern of the code's textual integrity. We believe this policy and these amendments best reflect the value Idaho places on having an educated and law-abiding citizenry.

We look forward to hearing your feedback and to participating further in the policy making process.

Sincerely,



Jordan Stott (3L)



Randi Schumacher (3L)

cc: Annemarie Bridy, Professor of Law
Mark Adams, Dean of the College of Law