

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 189

BY WAYS AND MEANS COMMITTEE

AN ACT

1
2 RELATING TO FISH AND GAME; AMENDING SECTION 36-1303, IDAHO CODE, TO PROVIDE
3 LEGISLATIVE INTENT, TO REVISE A PROVISION REGARDING AN INSPECTION OR
4 SEARCH BY AN OFFICER, AND TO PROVIDE THAT A SEARCH OR INSPECTION BY AN
5 OFFICER SHALL BE SUBJECT TO CERTAIN REQUIREMENTS.

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

7 SECTION 1. That Section 36-1303, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 36-1303. ~~RIGHT OF INSPECTION -- SEARCH.~~ (1) The intent of this section
10 is to preserve the presumption of privacy for all citizens.

11 (2) In accordance with subsection (3) of this section, officers are
12 hereby vested with authority and it is their duty to:

13 (a) ~~Inspection of Storage Facilities.~~ Seek to inspect all depots,
14 cars, warehouses, cold storage rooms, warerooms, restaurants, hotels,
15 motels, markets, air terminals and all baggage, packages, and packs
16 held either for sale, shipment, or storage which that they shall have
17 probable cause to believe contain evidence of the violation of any pro-
18 visions of this title.

19 (b) ~~Right of Search.~~ Seek to search, with or without a warrant, the
20 tents, wagons, autos, boats, aircraft (private or chartered), campers,
21 camp trailers, or other vehicles, camps, baggage, or packs of any person
22 in the state, when they shall have probable cause to believe such person
23 has in his possession any unlawfully taken wildlife or any equipment or
24 substances used to take such wildlife.

25 (3) In accordance with this section, before conducting any search or
26 inspection of an area not in plain view of an officer with a lawful right
27 to access that area, a warrant must be obtained or consent must be given by
28 the owner or person in possession. It shall not be an exception to the war-
29 rant requirement of this section that the evidence giving rise to probable
30 cause is in an automobile, boat, private or chartered aircraft, camper, camp
31 trailer, or other moveable vehicle. Nothing in this section shall impact the
32 authority of an officer to conduct a search incident to lawful arrest.