

STATEMENT OF PURPOSE

RS28090 / H0046

1. The Idaho National Guard requires security at the OCTC. Current security personnel are not law enforcement officers. Though these personnel are trained as military security, the personnel are not certified law enforcement officers as defined under Idaho Law. As such they do not have the legal authority to "arrest" as provided in Idaho Code Section 46-408. OCTC security personnel can only "detain" suspects until local law enforcement can respond to an incident. The requirement to have lawful powers of arrest as provided in Idaho Code Section 46-408 is not feasible. Thus, the Idaho Military Division recommends striking the word "arrest" from Section 46-408.

2. The requirement to have security personnel attend the Idaho POST academy is an unnecessary and untenable requirement. As mentioned, OCTC personnel simply detain and turn over suspects to local law enforcement. This requirement does not reflect current procedures because there is insufficient funding to send OCTC security personnel to the POST academy and it does not reflect current operational realities in the OCTC. Therefore the Idaho Military Division recommends striking the requirement to attend the Idaho POST academy.

FISCAL NOTE

Fiscal Impact of legislative idea: None. This proposed change to Idaho Code Section 46-408, has no impact on the general fund FY21 nor any year subsequent. This is particularly because it eliminates a training requirement, which would have been paid with federal funds anyway. The change has nothing to do with the general fund.

Contact:

Collier Lipple
Military Division
(208) 801-4202

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).