

## STATEMENT OF PURPOSE

RS29399 / H0674

Adds a new section to Idaho Code, 19-202B expanding upon current presumption of innocence found in Idaho Code 19-202A.

The language in 19-202A(4) recites that the burden of proof lies with the prosecution to prove beyond a reasonable doubt, at trial, that use of force by a person charged with the unlawful use of force was not justifiable. In other words, the person charged with unlawful use of force is presumed innocent, and the prosecution must prove otherwise.

The proposed language in new code section 19-202B(2) supports current section 19-202A(4), by reciting that a person who has used force is presumed innocent, and that the use of force is presumed to be the exercise of a fundamental right and justifiable. The proposed code section 19-202B also expands upon 19-202A, by clarifying that this presumption of innocence and the justifiable use of force applies both pre-trial and post-trial. This clarification will help prevent unnecessary arrests and will make a defendant whole post-trial, if the defendant was found to be exercising a fundamental right (justifiable force).

## FISCAL NOTE

There will be no fiscal impact to State appropriations in this fiscal year upon enactment or in future fiscal years. Because, there is no requirement of action or appropriation by any state agency beyond change of Idaho Code.

There will be no fiscal impact to projected revenues for the State, in this fiscal year upon enactment or in future fiscal years, beyond change of Idaho Code.

This legislation requires no action from the state other than regular implementation of change of Idaho Code. There will be no requirements of enforcement, or other action necessary to be taken by State agencies or local government agencies.

There will be no fiscal impact to county, city, town, or any other agency statewide. "To provide that the Attorney General shall challenge certain laws regarding small arms and to provide for a right of intervention by the Legislature."

### Contact:

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**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).