

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 437

BY SCOTT

AN ACT

1
2 RELATING TO FISH AND GAME; AMENDING SECTION 36-1303, IDAHO CODE, TO PROVIDE
3 LEGISLATIVE INTENT, TO REVISE PROVISIONS REGARDING A SEARCH BY AN OF-
4 FICER AND TO PROVIDE THAT A SEARCH OR INSPECTION BY AN OFFICER SHALL BE
5 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. Inspect all depots, cars, ware-
14 houses, cold storage rooms, warerooms, restaurants, hotels, motels,
15 markets, air terminals and all baggage, packages, and packs held either
16 for sale, shipment or storage which ~~they shall~~ the officer's have proba-
17 ble cause to believe contain evidence of the violation of any provisions
18 of this title.

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

25 (3) Before any search or inspection is conducted under the provisions
26 of this section, a warrant must be obtained or consent must be given by the
27 owner or person in possession of the property to be searched, unless the evi-
28 dence giving rise to the probable cause is plainly visible to the officer. It
29 shall not be an exception to the warrant requirement of this section that the
30 evidence giving rise to probable cause is in an automobile, boat, private or
31 chartered aircraft, camper, camp trailer or other moveable vehicle. Nothing
32 in this section shall impact the authority of an officer to conduct a search
33 incident to lawful arrest.