

IN THE SENATE

SENATE BILL NO. 1244, As Amended, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO LEGAL IMMUNITY; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE  
2 ADDITION OF A NEW SECTION 5-345, IDAHO CODE, TO ESTABLISH PROVISIONS RE-  
3 GARDING CERTAIN IMMUNITY FROM CIVIL LIABILITY FOR RENDERING AID TO A PET  
4 IN A MOTOR VEHICLE; AMENDING CHAPTER 70, TITLE 18, IDAHO CODE, BY THE AD-  
5 DITION OF A NEW SECTION 18-7045, IDAHO CODE, TO ESTABLISH PROVISIONS RE-  
6 GARDING CERTAIN IMMUNITY FROM CRIMINAL PROSECUTION FOR RENDERING AID TO  
7 A PET IN A MOTOR VEHICLE; AND DECLARING AN EMERGENCY.  
8

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

10 SECTION 1. That Chapter 3, Title 5, Idaho Code, be, and the same is  
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
12 ignated as Section 5-345, Idaho Code, and to read as follows:

13 5-345. IMMUNITY -- AID TO PET IN VEHICLE. (1) A person is immune from  
14 civil liability for entry, including forced entry and any resulting property  
15 damage, into a motor vehicle for the purpose of removing a pet from the vehi-  
16 cle if the person:

17 (a) Has a reasonable, good faith belief that the pet is in imminent dan-  
18 ger of suffering death or serious bodily harm;

19 (b) Contacts law enforcement before and immediately after entering, if  
20 feasible; and

21 (c) Uses no more force than reasonably necessary to gain entry.

22 (2) For purposes of this section, "pet" shall have the same meaning as  
23 provided in section 25-2703, Idaho Code.

24 (3) This section shall not be construed to provide immunity from civil  
25 liability for physical harm caused to the pet or for any other action or omis-  
26 sion unrelated to the act of entering the vehicle as provided in subsection  
27 (1) of this section.

28 SECTION 2. That Chapter 70, Title 18, Idaho Code, be, and the same is  
29 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
30 ignated as Section 18-7045, Idaho Code, and to read as follows:

31 18-7045. IMMUNITY -- AID TO PET IN VEHICLE. (1) A person shall not be  
32 prosecuted under this title for entry, including forced entry and any re-  
33 sulting property damage, into a motor vehicle for the purpose of removing a  
34 pet from the vehicle if the person:

35 (a) Has a reasonable, good faith belief that the pet is in imminent dan-  
36 ger of suffering death or serious bodily harm;

37 (b) Contacts law enforcement before and immediately after entering, if  
38 feasible; and

39 (c) Uses no more force than reasonably necessary to gain entry.

1           (2) For purposes of this section, "pet" shall have the same meaning as  
2 provided in section 25-2703, Idaho Code.

3           (3) This section shall not be construed to prevent prosecution of a per-  
4 son for physical harm caused to the pet or for any other crime unrelated to  
5 the act of entering the vehicle as provided in subsection (1) of this sec-  
6 tion.

7           SECTION 3. An emergency existing therefor, which emergency is hereby  
8 declared to exist, this act shall be in full force and effect on and after its  
9 passage and approval.