

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT RESOLUTION NO. 3

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

1 PROPOSING AN AMENDMENT TO SECTION 17, ARTICLE I, OF THE CONSTITUTION OF THE
2 STATE OF IDAHO RELATING TO WARRANTLESS ARRESTS; STATING THE QUESTION TO
3 BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO
4 PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF
5 STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.
6

7 Be It Resolved by the Legislature of the State of Idaho:

8 SECTION 1. That Section 17, Article I, of the Constitution of the State
9 of Idaho be amended to read as follows:

10 Section 17. UNREASONABLE SEARCHES AND SEIZURES PROHIB-
11 ITED. The right of the people to be secure in their persons, houses,
12 papers and effects against unreasonable searches and seizures
13 shall not be violated; and no warrant shall issue without probable
14 cause shown by affidavit, particularly describing the place to be
15 searched and the person or thing to be seized. Arrests based on
16 probable cause that a misdemeanor offense has been committed out-
17 side the presence of a law enforcement officer shall not be deemed
18 an unreasonable seizure if:

19 (1) The alleged conduct giving rise to probable cause for arrest
20 evinces a likelihood that the person arrested poses an imminent and
21 continuing threat to public safety; and

22 (2) The arrest is for the commission of a misdemeanor, the na-
23 ture of which is one the legislature finds is likely to evince an
24 imminent and continuing threat to public safety and has specifi-
25 cally designated by statute as one where arrest is permissible even
26 if committed outside the presence of a law enforcement officer.

27 SECTION 2. The question to be submitted to the electors of the State of
28 Idaho at the next general election shall be as follows:

29 "Shall Section 17, Article I, of the Constitution of the State of Idaho
30 be amended to provide that a law enforcement officer may make a warrantless
31 arrest for an offense that takes place outside of the officer's presence if
32 the arrest is based upon probable cause that the person arrested poses an im-
33 minent and continuing threat to public safety and is authorized under state
34 law?"

35 SECTION 3. The Legislative Council is directed to prepare the state-
36 ments required by Section 67-453, Idaho Code, and file the same.

37 SECTION 4. The Secretary of State is hereby directed to publish this
38 proposed constitutional amendment and arguments as required by law.