

IN THE SENATE

SENATE BILL NO. 1125

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE CONSTITUTIONAL DEFENSE COUNCIL; AMENDING CHAPTER 63, TITLE
2 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6303, IDAHO CODE,
3 TO ESTABLISH PROVISIONS REGARDING ASSISTANCE TO POLITICAL SUBDIVISIONS
4 FOR THE DEFENSE OF STATE LAW; AND DECLARING AN EMERGENCY AND PROVIDING
5 AN EFFECTIVE DATE.
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 63, Title 67, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 67-6303, Idaho Code, and to read as follows:

11 67-6303. DEFENSE OF STATE LAW -- POLITICAL SUBDIVISIONS. (1) As used
12 in this section:

13 (a) "Council" means the constitutional defense council created in sec-
14 tion 67-6301, Idaho Code.

15 (b) "Political subdivision" is as defined in section 6-902, Idaho Code.

16 (2) (a) A political subdivision may request that the state of Idaho
17 provide assistance with or participation in a legal action involving a
18 challenge to the constitutionality of a state statute by submitting a
19 written request to the council that includes:

20 (i) A detailed explanation as to why state assistance or partici-
21 pation would be appropriate;

22 (ii) A synopsis of the nature of the action and the procedural sta-
23 tus of the case; and

24 (iii) Such other information as the council may require.

25 (b) Such assistance or participation may include:

26 (i) Funding for private counsel from the constitutional defense
27 council fund created in section 67-6301, Idaho Code;

28 (ii) Reimbursement to the political subdivision for attorney's
29 fees and costs;

30 (iii) Assistance from the Idaho attorney general; or

31 (iv) Intervention by the state.

32 (3) (a) The council shall deliver its decision on assistance or partici-
33 pation to the political subdivision in writing as soon as practicable.

34 (b) In determining whether to grant, deny, or partially grant or deny a
35 political subdivision's request, the council shall, in its sole discre-
36 tion, consider:

37 (i) Whether the public interest would be served by state assis-
38 tance or participation in the legal action;

39 (ii) Whether state resources, including personnel time and funds,
40 are available; and

41 (iii) Whether the legal action is likely to restore, maintain, and
42 advance the state of Idaho's sovereignty and authority.

1 SECTION 2. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2025.