

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 380

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO THE CAPITOL MALL AND OTHER STATE PROPERTY AND FACILITIES; PRO-
3 VIDING LEGISLATIVE INTENT; AMENDING CHAPTER 16, TITLE 67, IDAHO CODE,
4 BY THE ADDITION OF A NEW SECTION 67-1613, IDAHO CODE, TO PROHIBIT CAMP-
5 ING ON OR IN CERTAIN STATE PROPERTY AND FACILITIES, TO DEFINE A TERM,
6 TO PROVIDE PENALTIES AND AUTHORITY TO CERTAIN PERSONS; AND DECLARING AN
7 EMERGENCY.

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

9 SECTION 1. LEGISLATIVE INTENT. Whereas, the Capitol Building and the
10 Capitol Mall, as well as other state-owned and leased grounds and facili-
11 ties, function as the vibrant core of Idaho State Government for Idaho cit-
12 izens and, as such, require unobstructed grounds and convenient access to
13 ensure the health and safety of all citizens including touring visitors and
14 school children; and, whereas, the state should always strive to maintain
15 the highest aesthetic standards for the grounds of the Capitol Mall, as well
16 as other state-owned and leased grounds and facilities; and, whereas, the
17 Capitol Mall and other state-owned and leased grounds and facilities should
18 have consistent public use guidelines where appropriate with the local gov-
19 ernment; the Legislature now finds that it is in the best interest of the pub-
20 lic health and safety of Idaho citizens to regulate the use of the grounds of
21 the Capitol Mall and other state-owned and leased grounds and facilities in
22 order to prevent the unauthorized use of these grounds and facilities as a
23 temporary or permanent place for camping, lodging or living accommodations.

24 SECTION 2. That Chapter 16, Title 67, Idaho Code, be, and the same is
25 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
26 ignated as Section 67-1613, Idaho Code, and to read as follows:

27 67-1613. CAPITOL MALL AND OTHER STATE PROPERTY AND FACILITIES --
28 CAMPING PROHIBITED. No person shall camp on or in any state-owned or leased
29 property or facility including, but not limited to, the capitol mall, except
30 those that are designated as a recreational camping ground, area or facil-
31 ity. The provisions of this section shall not apply or affect policies,
32 rules, statutes or leases on endowment lands, department of parks and recre-
33 ation lands or department of fish and game lands. For the purposes of this
34 section, the term "camp" or "camping" means to use as a temporary or perma-
35 nent place of dwelling, lodging or living accommodation, and which indicia
36 of camping may include, but are not limited to, storing personal belongings,
37 using tents or other temporary structures for storing personal belongings or
38 for sleeping, carrying on cooking activities, laying out bedding or making
39 any fire. Any person who violates the provisions of this section shall be
40 guilty of an infraction. State agency personnel or contractors may remove
41 any unauthorized personal property used to camp or while camping in viola-

1 tion of the provisions of this section. Personal property removed pursuant
2 to this section shall be considered litter and shall be disposed of by such
3 authorized persons tasked with enforcing this section. Persons seizing or
4 disposing of such property shall be immune from legal liability for the seiz-
5 ing and disposing of such property.

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