

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 367

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1
2 RELATING TO THE NATIONAL GUARD; AMENDING SECTION 46-604, IDAHO CODE, TO
3 PROVIDE CIRCUMSTANCES WHEN THE IDAHO NATIONAL GUARD AND THE IDAHO MILI-
4 TARY DIVISION SHALL BE DEEMED A STATE LAW ENFORCEMENT AGENCY AND TO MAKE
5 TECHNICAL CORRECTIONS.

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

7 SECTION 1. That Section 46-604, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 46-604. COOPERATION OF MILITIA WITH CIVIL AUTHORITIES -- CALLING OUT
10 MILITARY FORCES. When the national guard or the organized militia shall be
11 ordered into the active service of the state during a state of extreme emer-
12 gency, or for any other cause, the commanding officer of the military person-
13 nel shall cooperate with the civil officers to the fullest extent, consis-
14 tent with the accomplishment of the object, for which the military personnel
15 were called; ~~to~~ The civil officials may express to the commander of the
16 military personnel the general or specific object which the civil officials
17 desire to accomplish, but the tactical direction of the military person-
18 nel, the kind and extent of force to be used, and the particular means to be
19 employed to accomplish the object specified by the civil officers are left
20 solely to the officers in charge of the military personnel. When authorized
21 or directed by the governor and to the extent authorized by 32 U.S.C. 112
22 and the Idaho drug interdiction and counterdrug activities plan, the Idaho
23 national guard counterdrug support program may assist federal and state law
24 enforcement agencies in interdicting the importation of controlled sub-
25 stances into this state. When so authorized or directed, the Idaho national
26 guard counterdrug support program and the Idaho military division shall be
27 deemed a state law enforcement agency for the purpose of participating in the
28 sharing of property seized or forfeited and receive property and revenues
29 pursuant to federal law and section 37-2744, Idaho Code. In case of any
30 breach of the peace, tumult, riot, resistance to process of this state, or
31 a state of extreme emergency, or imminent danger thereof, the sheriff of a
32 county may call for aid upon the commander-in-chief of the national guard.