

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 82

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO THE IDAHO STATE POLICE; AMENDING SECTION 67-2901, IDAHO CODE, TO
2 AUTHORIZE THE IDAHO STATE POLICE TO CLOSE OR RESTRICT USE OF A HIGHWAY OR
3 ROAD FOR PUBLIC SAFETY AND TO MAKE TECHNICAL CORRECTIONS.
4

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

6 SECTION 1. That Section 67-2901, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 67-2901. IDAHO STATE POLICE CREATED -- DIRECTOR -- DIVISIONS -- POW-
9 ERS AND DUTIES -- FAILURE OF PEACE OFFICERS TO OBEY ORDERS, MISDEMEANOR --
10 DEPUTIES -- COMPENSATION AND POWERS. (1) There is hereby created the Idaho
11 state police. The Idaho state police shall, for the purposes of section 20,
12 article IV, of the constitution of the state of Idaho, be an executive de-
13 partment of the state government.

14 (2) The governor, with the advice and consent of the senate, shall ap-
15 point a director of the Idaho state police who shall serve at the pleasure of
16 the governor. The director shall receive such salary as fixed by the gover-
17 nor.

18 (3) The Idaho state police shall be composed of such divisions as may be
19 established by law and other administrative units as may be established by
20 the director for the proper and efficient administration of the powers and
21 duties assigned to the director or the state police. The director shall ap-
22 point, subject to the approval of the governor, an administrator for each di-
23 vision within the state police.

24 (4) The director shall exercise all of the powers and duties necessary
25 to carry out the proper administration of the state police, and may delegate
26 duties to employees and officers of the state police.

27 (5) The Idaho state police shall have power to:

28 (a) Enforce all of the penal and regulatory laws of the state, to pre-
29 serve order, and exercise any and all powers, duties and authority of
30 any sheriff or other peace officer anywhere in the state of Idaho, in
31 the same manner and with like authority as the sheriffs of the counties;
32 said department may employ from time to time, to carry out any of the
33 provisions of this subsection, such deputies or special deputies as may
34 be deemed, by the governor of the state of Idaho, necessary to carry
35 out these duties and powers, and deputies shall have power to deputize
36 other persons as deputies when necessary; said department may call
37 into the police service of the state any and all peace officers of the
38 state, of any city, or of any county, and may deputize private citizens,
39 when deemed necessary by the governor of the state, to preserve order
40 and enforce law in any extraordinary emergency when the governor shall
41 have declared, by order in writing, the existence of such extraordinary
42 emergency; the governor shall designate by order such peace officers or

1 private persons as are to be called into the service of the state, and
2 when such peace officers or deputized citizens are so called into the
3 police service of the state such officers shall act under the direction
4 of the director of the state police in such manner as may be directed and
5 ordered by the governor; failure on the part of any such peace officer of
6 the state, or person so deputized, to so act and obey such orders shall
7 constitute a misdemeanor; the governor shall fix the compensation of
8 such deputies;

9 (b) Prevent and detect crime and apprehend criminals and maintain or-
10 der;

11 (c) Require all persons using the highways in the state to do so care-
12 fully, safely, and with the exercise of care for the persons, property
13 and safety of others;

14 (d) Safeguard and protect the surface and other physical portions of
15 the state highways and enforce any laws for highway safety;

16 (e) Enforce federal statutes and regulations relating to motor carrier
17 safety and hazardous materials for interstate carriers;

18 (f) Enforce Idaho statutes and rules of the Idaho state police applica-
19 ble to motor carriers;

20 (g) Enforce all of the laws of the state enacted for the identification,
21 inspection and transportation of livestock and all laws of the state de-
22 signed to prevent the theft of livestock;

23 (h) Regulate traffic on all highways and roads in the state, including
24 the authority to temporarily close or restrict the use of any highway or
25 road whenever the closure or restriction of the use is deemed necessary
26 for the safety of the public;

27 (i) Perform all of the duties and exercise all of the powers of peace
28 officers vested in the director of the Idaho state police;

29 (j) Execute and serve any warrant of arrest or search warrant issued by
30 proper authority of the state, according to the tenor thereof, in any
31 part of the state;

32 (k) Arrest without warrant, any person committing or attempting to com-
33 mit in their presence or view a breach of the peace or any other viola-
34 tion of any of the laws of the state;

35 (l) Members of the Idaho state police shall be subject to the call of the
36 governor and are empowered to cooperate with any other department or au-
37 thority of the state, with counties and municipalities, or any locality
38 in detecting crime, apprehending criminals and preserving law and or-
39 der throughout the state; but the Idaho state police shall not be used
40 as a posse in any municipality, except when ordered by the governor to do
41 so; provided nothing herein contained shall be construed to vest direc-
42 tion or control over any sheriff, policeman, marshal or constable in the
43 Idaho state police or any employer or officer thereof;

44 (m) Each member of the Idaho state police shall take and subscribe to an
45 oath of office to support the constitution and laws of the United States
46 and the state of Idaho, and to honestly and faithfully perform the du-
47 ties imposed upon him under the provisions of the laws of Idaho as a mem-
48 ber of the Idaho state police. The oath shall be filed with the direc-
49 tor.

1 (6) The director shall operate and supervise a forensic laboratory
2 which will provide to state and local agencies having responsibility for
3 enforcement of the penal laws of this state assistance in the collection,
4 preservation and analysis of evidence in criminal cases. Idaho state po-
5 lice forensic services resources including, but not limited to, equipment,
6 instrumentation, facilities and supplies may be used only by authorized em-
7 ployees or approved subcontractors of Idaho state police forensic services.

8 (7) The director shall provide security and protection for the governor
9 and the governor's immediate family to the extent and in the manner the gov-
10 ernor and the director deem adequate and appropriate.

11 (8) At the written direction of the governor or the director, the di-
12 rector shall provide security and protection for the lieutenant governor and
13 the lieutenant governor's immediate family to the extent and in the manner
14 the lieutenant governor and the director deem adequate and appropriate.

15 (9) The director shall provide security and protection for both houses
16 of the legislature while in session as in the opinion of the speaker of the
17 house of representatives and the president pro tempore of the senate and the
18 director deem necessary.

19 (10) The director shall provide security and protection for the supreme
20 court and the court of appeals while they are in session, and at their places
21 of work, as the chief justice and the director deem necessary.

22 (11) The director may award to an officer, upon retirement, that offi-
23 cer's badge, duty weapon and handcuffs, providing that a committee of three
24 (3) of the officer's peers certifies to the director that the retiring offi-
25 cer has served meritoriously for a minimum of fifteen (15) years and should
26 therefore be so honored.

27 (12) The director, within the limits of any appropriation made avail-
28 able for such purposes, shall for such Idaho state police:

29 (a) Establish such ranks, grades and positions as shall appear advis-
30 able and designate the authority and responsibility in each such rank,
31 grade and position;

32 (b) Appoint such personnel to such rank, grade and position as are
33 deemed by him to be necessary for the efficient operation and adminis-
34 tration of the Idaho state police, and only those applicants shall be
35 appointed or promoted who best meet the prescribed standards and pre-
36 requisites; provided however, that all employees shall be selected in
37 the manner provided for in chapter 53, title 67, Idaho Code, and shall be
38 probationers and on probation for a period of one (1) year from the date
39 of appointment;

40 (c) Formulate and place in effect such rules for the Idaho state police
41 as from time to time appear to him advisable;

42 (d) Prescribe by official order the uniform and equipment of the em-
43 ployees in the Idaho state police;

44 (e) Station employees in such localities as he shall deem advisable for
45 the enforcement of the laws of the state;

46 (f) Have purchased, or otherwise acquired, by the purchasing agent of
47 the state, motor vehicle equipment and all other equipment and commodi-
48 ties deemed by him essential for the efficient performance of the du-
49 ties of the Idaho state police and purchase and install approved mechan-
50 ical devices and equipment for the rapid transmission and broadcasting

1 of information relative to crime, apprehension of criminals and the ad-
2 ministration of the business of the Idaho state police.

3 (13) (a) The director shall issue to every eligible police officer
4 member of the Idaho state police, as defined in section 59-1303(3),
5 Idaho Code, and pursuant to the contract provided for by the personnel
6 group insurance administrator in the department of administration, a
7 term group life insurance certificate in the face amount of fifty thou-
8 sand dollars (\$50,000) on the life of such members. Said insurance
9 certificate shall set forth the name or names of such beneficiary or
10 beneficiaries as the insured may name or designate.

11 (b) Any eligible person entering the employ of the Idaho state police
12 as an active police officer after the effective date of this act shall be
13 insured as other members of the state police immediately upon taking the
14 oath of office.

15 (c) Every member of the Idaho state police, upon termination of active
16 duty or permanent release, may surrender said certificate to the head of
17 the state police, or, at the person's option, may convert the insurance
18 in accordance with the provisions of the contract, and no further premi-
19 ums shall be paid on said policy by the state of Idaho.

20 (d) The director is hereby directed to hereafter include in the budget
21 of the Idaho state police an amount sufficient to pay the annual costs
22 accruing with respect to policies of insurance purchased under the pro-
23 visions of this chapter.

24 (e) The premiums on the insurance herein provided for are to be paid
25 one-half (1/2) by the employee and one-half (1/2) by the state. The di-
26 rector is hereby authorized to make a monthly deduction on the payroll
27 of the amount due from each employee under this chapter.

28 (14) Nothing in this section shall affect the duties of the sheriff as
29 described in section 31-2202, Idaho Code, or the primary duty, described in
30 section 31-2227, Idaho Code, of the sheriff and prosecuting attorney of each
31 of the several counties to enforce all the penal provisions of any and all
32 statutes of this state.