

IN THE SENATE

SENATE BILL NO. 1245, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO LEGAL IMMUNITY; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 5-344, IDAHO CODE, TO PROVIDE IMMUNITY FROM
3 CIVIL LIABILITY FOR PERSONS RENDERING CERTAIN AID TO A PERSON IN A MO-
4 TOR VEHICLE; AMENDING CHAPTER 70, TITLE 18, IDAHO CODE, BY THE ADDITION
5 OF A NEW SECTION 18-7044, IDAHO CODE, TO PROVIDE IMMUNITY FROM PROSECU-
6 TION FOR PERSONS RENDERING CERTAIN AID TO A PERSON IN A MOTOR VEHICLE;
7 AND DECLARING AN EMERGENCY.
8

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

10 SECTION 1. That Chapter 3, Title 5, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 5-344, Idaho Code, and to read as follows:

13 5-344. IMMUNITY -- AID TO PERSON IN VEHICLE. A person is immune from
14 civil liability for entry, including forced entry and any resulting property
15 damage, into a motor vehicle for the purpose of removing another person from
16 the vehicle, provided that the person entering:

- 17 (1) Has a reasonable, good-faith belief that the other person is in im-
18 minent danger of suffering death or serious bodily harm;
19 (2) Contacts law enforcement before and immediately after entering, if
20 feasible; and
21 (3) Uses no more force than reasonably necessary to gain entry.

22 SECTION 2. That Chapter 70, Title 18, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 18-7044, Idaho Code, and to read as follows:

25 18-7044. IMMUNITY -- AID TO PERSON IN VEHICLE. A person shall not be
26 prosecuted under this title for entry, including forced entry and any re-
27 sulting property damage, into a motor vehicle for the purpose of removing an-
28 other person from the vehicle, provided that the person entering:

- 29 (1) Has a reasonable, good-faith belief that the other person is in im-
30 minent danger of suffering death or serious bodily harm;
31 (2) Contacts law enforcement before and immediately after entering, if
32 feasible; and
33 (3) Uses no more force than reasonably necessary to gain entry.

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