

IN THE SENATE

SENATE BILL NO. 1245, As Amended, 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 ESTABLISH PROVISIONS
3 REGARDING CERTAIN IMMUNITY FROM CIVIL LIABILITY FOR RENDERING AID TO A
4 PERSON IN A MOTOR VEHICLE; AMENDING CHAPTER 70, TITLE 18, IDAHO CODE, BY
5 THE ADDITION OF A NEW SECTION 18-7044, IDAHO CODE, TO ESTABLISH PROVI-
6 SIONS REGARDING CERTAIN IMMUNITY FROM CRIMINAL PROSECUTION FOR RENDER-
7 ING AID TO A PERSON IN A MOTOR VEHICLE; 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. (1) A person is immune
14 from civil liability for entry, including forced entry and any resulting
15 property damage, into a motor vehicle for the purpose of removing another
16 person from the vehicle, provided that the person entering:

17 (a) Has a reasonable, good-faith belief that the other person is in im-
18 eminent danger of suffering death or serious bodily harm;

19 (b) Contacts law enforcement before and immediately after entering, if
20 feasible; and

21 (c) Uses no more force than reasonably necessary to gain entry.

22 (2) This section shall not be construed to provide immunity from civil
23 liability for physical harm caused to the person in the vehicle or for any
24 other action or omission unrelated to the act of entering the vehicle as pro-
25 vided in subsection (1) of this section.

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

29 18-7044. IMMUNITY -- AID TO PERSON IN VEHICLE. (1) A person shall not
30 be prosecuted under this title for entry, including forced entry and any re-
31 sulting property damage, into a motor vehicle for the purpose of removing an-
32 other person from the vehicle, provided that the person entering:

33 (a) Has a reasonable, good-faith belief that the other person is in im-
34 eminent danger of suffering death or serious bodily harm;

35 (b) Contacts law enforcement before and immediately after entering, if
36 feasible; and

37 (c) Uses no more force than reasonably necessary to gain entry.

38 (2) This section shall not be construed to prevent prosecution for
39 physical harm caused to the person in the vehicle or for any other crime unre-

1 lated to the act of entering the vehicle as provided in subsection (1) of this
2 section.

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