

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 79

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO LEGAL IMMUNITY; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 5-345, IDAHO CODE, TO PROVIDE IMMUNITY FROM
3 CIVIL LIABILITY FOR FIRST RESPONDERS RENDERING CERTAIN AID TO A DOG OR
4 CAT; AMENDING CHAPTER 70, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW
5 SECTION 18-7045, IDAHO CODE, TO PROVIDE IMMUNITY FROM PROSECUTION FOR
6 FIRST RESPONDERS RENDERING CERTAIN AID TO A DOG OR CAT; AND DECLARING AN
7 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 5-345, Idaho Code, and to read as follows:

13 5-345. IMMUNITY -- AID TO DOG OR CAT IN VEHICLE. (1) A first responder
14 is immune from civil liability for entry, including forced entry and any re-
15 sulting property damage, into a motor vehicle for the purpose of removing a
16 dog or cat from the vehicle if the first responder:

17 (a) Has a reasonable, good faith belief that the dog or cat is in immi-
18 nent danger of suffering death or serious bodily harm; and

19 (b) Uses no more force than reasonably necessary to gain entry.

20 (2) For purposes of this section, "first responder" means an emergency
21 medical services provider, a firefighter, a peace officer, or a person des-
22 ignated by a law enforcement agency.

23 (3) This section shall not be construed to provide immunity from civil
24 liability for physical harm caused to the dog or cat or for any other action
25 or omission unrelated to the act of entering the vehicle as provided in sub-
26 section (1) of this section.

27 SECTION 2. That Chapter 70, Title 18, Idaho Code, be, and the same is
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
29 ignated as Section 18-7045, Idaho Code, and to read as follows:

30 18-7045. IMMUNITY -- AID TO DOG OR CAT IN VEHICLE. (1) A first respon-
31 der shall not be prosecuted under this title for entry, including forced en-
32 try and any resulting property damage, into a motor vehicle for the purpose
33 of removing a dog or cat from the vehicle if the first responder:

34 (a) Has a reasonable, good faith belief that the dog or cat is in immi-
35 nent danger of suffering death or serious bodily harm; and

36 (b) Uses no more force than reasonably necessary to gain entry.

37 (2) For purposes of this section, "first responder" means an emergency
38 medical services provider, a firefighter, a peace officer, or a person des-
39 ignated by a law enforcement agency.

1 (3) This section shall not be construed to prevent prosecution for
2 physical harm caused to the dog or cat or for any other crime unrelated to the
3 act of entering the vehicle as provided in subsection (1) of this section.

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