

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 110

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1  
2 RELATING TO FISH AND GAME; AMENDING SECTION 36-1303, IDAHO CODE, TO PROVIDE  
3 LEGISLATIVE INTENT, TO REVISE A PROVISION REGARDING A SEARCH BY AN OF-  
4 FICER, AND TO PROVIDE THAT A SEARCH OR INSPECTION BY AN OFFICER SHALL BE  
5 SUBJECT TO CERTAIN REQUIREMENTS.

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

7 SECTION 1. That Section 36-1303, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 36-1303. ~~RIGHT OF INSPECTION -- SEARCH.~~ (1) The intent of this section  
10 is to preserve the presumption of privacy for all citizens.

11 (2) In accordance with subsection (3) of this section, officers are  
12 hereby vested with authority and it is their duty to:

13 (a) ~~Inspection of Storage Facilities.~~ Inspect all depots, cars,  
14 warehouses, cold storage rooms, warerooms, restaurants, hotels, mo-  
15 tels, markets, air terminals and all baggage, packages, and packs held  
16 either for sale, shipment, or storage which that they shall have proba-  
17 ble cause to believe contain evidence of the violation of any provisions  
18 of this title.

19 (b) ~~Right of Search.~~ Search, with or without a warrant, the tents,  
20 wagons, autos, boats, aircraft (private or chartered), campers, camp  
21 trailers, or other vehicles, camps, baggage, or packs of any person in  
22 the state, when they shall have probable cause to believe such person  
23 has in his possession any unlawfully taken wildlife or any equipment or  
24 substances used to take such wildlife.

25 (3) Before any search or inspection is conducted under the provisions  
26 of this section, a warrant must be obtained or consent must be given by the  
27 owner or person in possession, unless the evidence giving rise to the prob-  
28 able cause is plainly visible to the officer. It shall not be an exception  
29 to the warrant requirement of this section that the evidence giving rise to  
30 probable cause is in an automobile, boat, private or chartered aircraft,  
31 camper, camp trailer, or other moveable vehicle. Nothing in this section  
32 shall impact the authority of an officer to conduct a search incident to  
33 lawful arrest.