

IN THE SENATE

SENATE JOINT RESOLUTION NO. 103

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

1 PROPOSING AN AMENDMENT TO SECTION 17, ARTICLE I, OF THE CONSTITUTION OF THE
2 STATE OF IDAHO, RELATING TO WARRANTLESS ARRESTS; STATING THE QUESTION
3 TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO
4 PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF
5 STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.
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7 Be It Resolved by the Legislature of the State of Idaho:

8 SECTION 1. That Section 17, Article I, of the Constitution of the State
9 of Idaho be amended to read as follows:

10 Section 17. UNREASONABLE SEARCHES AND SEIZURES PROHIB-
11 ITED. The right of the people to be secure in their persons, houses,
12 papers and effects against unreasonable searches and seizures
13 shall not be violated; and no warrant shall issue without proba-
14 ble cause shown by affidavit, particularly describing the place to
15 be searched and the person or thing to be seized. No warrantless
16 arrest based on probable cause to believe the person committed an
17 offense shall be deemed an unreasonable seizure solely because the
18 offense in question was not committed in an officer's presence.

19 SECTION 2. The question to be submitted to the electors of the State of
20 Idaho at the next general election shall be as follows:

21 "Shall Section 17, Article I, of the Constitution of the State of Idaho
22 be amended to provide that a law enforcement officer may make a warrantless
23 arrest for an offense that takes place outside of the officer's presence if
24 the arrest is based upon probable cause and authorized under state law?".

25 SECTION 3. The Legislative Council is directed to prepare the state-
26 ments required by Section 67-453, Idaho Code, and file the same.

27 SECTION 4. The Secretary of State is hereby directed to publish this
28 proposed constitutional amendment and arguments as required by law.