

STATEMENT OF PURPOSE

RS27764 / SJR104

This Joint Resolution proposes an amendment to Section 17, Article I of the Idaho Constitution. The amendment would expressly authorize law enforcement officers to make warrantless misdemeanor arrests based upon probable cause when the offense in question is not committed in the officer's presence. It will also permit the legislature to limit misdemeanor arrests.

Last June, in the case of State v. Clarke, 135 Idaho 255, 16 P.3d 931 (2019), the Idaho Supreme Court ruled that warrantless misdemeanor arrests are unconstitutional unless the alleged crime is witnessed by a law enforcement officer. The amendment will restore long-standing practice by allowing warrantless misdemeanor arrests based upon probable cause when an alleged offense is committed outside the presence of a law enforcement officer.

FISCAL NOTE

As the proposed amendment is consistent with long standing practice, it should have no fiscal impact on state or local budgets. There is an estimated \$250,000 cost for the Idaho Secretary of State to publish the proposed amendment and arguments to the voters as required by law. There should be no fiscal impact to the counties because the amendment will be considered by the voters at a regularly scheduled General Election.

Contact:

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).