

*Attachment 1*  
*RS 27764*  
*2-24-2020*  
*Senator Burgess*

**IDAHO STATUTES  
AUTHORIZING WARRANTLESS MISDEMEANOR ARRESTS**

- 18-901 – Assault (*see* Idaho Code Section 19-603)
- 18-903 – Battery (*see* Idaho Code Section 19-603)
- 18-918 – Domestic violence (*see* Idaho Code Section 19-603)
- 18-920 – Violation of a no contact order (*see* Idaho Code Section 19-603)
- 18-3302I – Threatening violence upon school grounds (*see* Idaho Code Section 19-603)
- 18-905 – First-degree stalking (*see* Idaho Code Section 19-603)
- 18-7906 – Second-degree stalking
- 18-7907 – Violation of a protection order
- 39-6312 – Violation of a protection order (*see* Idaho Code Section 19-603)
- 49-1405 – Arrests for serious driving offenses
- 49-1407 – Authority to take a person before a magistrate
- 49-1408 – Arrest of a nonresident of Idaho at the scene of a traffic accident



# Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 19  
CRIMINAL PROCEDURE  
CHAPTER 6

ARREST, BY WHOM AND HOW MADE

19-603. WHEN PEACE OFFICER MAY ARREST. A peace officer may make an arrest in obedience to a warrant delivered to him, or may, without a warrant, arrest a person:

1. For a public offense committed or attempted in his presence.

2. When a person arrested has committed a felony, although not in his presence.

3. When a felony has in fact been committed and he has reasonable cause for believing the person arrested to have committed it.

4. On a charge made, upon a reasonable cause, of the commission of a felony by the party arrested.

5. At night, when there is reasonable cause to believe that he has committed a felony.

6. When upon immediate response to a report of a commission of a crime there is probable cause to believe that the person has committed a violation of section 18-901 (assault), 18-903 (battery), 18-918 (domestic violence), 18-7905 (first-degree stalking), 18-7906 (second-degree stalking), 39-6312 (violation of a protection order), 18-920 (violation of a no contact order), or 18-3302I (threatening violence upon school grounds – firearms and other deadly or dangerous weapons), Idaho Code.

7. When there is reasonable cause to believe, based upon physical evidence observed by the officer or statements made in the presence of the officer upon immediate response to a report of a commission of a crime aboard an aircraft, that the person arrested has committed such a crime.

History:

[(19-603) Cr. Prac. 1864, secs. 131, 133, p. 229; R.S., R.C., & C.L., sec. 7540; C.S., sec. 8726; I.C.A., sec. 19-603; am. 1979, ch. 307, sec. 1, p. 832; am. 1988, ch. 271, sec. 1, p. 902; am. 1994, ch. 318, sec. 1, p. 1020; am. 1997, ch. 89, sec. 1, p. 214; am. 1997, ch. 314, sec. 4, p. 930; am. 2004, ch. 337, sec. 5, p. 1010; am. 2019, ch. 207, sec. 1, p. 633.]

How current is this law?

Search the Idaho Statutes and Constitution



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TITLE 18

CRIMES AND PUNISHMENTS

CHAPTER 33

FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS

~~18-3302I. THREATENING VIOLENCE UPON SCHOOL GROUNDS – FIREARMS AND OTHER DEADLY OR DANGEROUS WEAPONS.~~

(1) (a) Any person, including a student, who willfully threatens by word, electronic means or act to use a firearm or other deadly or dangerous weapon to do violence to any person on school grounds or to disrupt the normal operations of an educational institution by making a threat of violence is guilty of a misdemeanor.

(b) Any person, including a student, who knowingly has in his possession a firearm or other deadly or dangerous weapon, or who makes, alters or repairs any firearm or other deadly or dangerous weapon, in the furtherance of carrying out a threat made by word, electronic means or act to do violence to any person on school grounds or to disrupt the normal operations of an educational institution by making a threat of violence is guilty of a felony.

(2) Definitions. As used in this section:

(a) "Deadly or dangerous weapon" means a weapon, device, instrument, material or substance that is used for, or is readily capable of, causing death or serious bodily injury;

(b) "On school grounds" means in or on property owned or operated by a school district, public charter school or private school.

History:

[18-3302I, added 2006, ch. 303, sec. 1, p. 936; am. 2015, ch. 303, sec. 3, p. 1194; am. 2018, ch. 240, sec. 1, p. 562.]

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