

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 513

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO DUTIES OF A SHERIFF; AMENDING SECTION 31-2202, IDAHO CODE, TO RE-
VISE A DUTY OF A SHERIFF AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING
SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-2202, Idaho Code, be, and the same is hereby
amended to read as follows:

31-2202. DUTIES OF SHERIFF. The policy of the state of Idaho is that
the primary duty of enforcing all penal provisions and statutes of the state
is vested with the sheriff of each county as provided in section 31-2227,
Idaho Code. The sheriff shall perform the following:

- (1) Preserve the peace.
- (2) Arrest and take before the nearest magistrate for examination all
persons who attempt to commit or who have committed a public offense, unless
otherwise provided by law.
- (3) Prevent and suppress all affrays, breaches of the peace, riots and
insurrections ~~which~~ that may come to his knowledge.
- (4) Attend all courts, including magistrate's division of the district
court when ordered by a district judge, at their respective terms held within
his county, and obey the lawful orders and directions of the courts.
- (5) Command the aid of as many inhabitants of the county as he may think
necessary in the execution of these duties.
- (6) Take charge of and keep the county jail and the prisoners therein.
- (7) Indorse upon all process and notices the year, month, day, hour and
minute of reception, and issue therefor to the person delivering it, on pay-
ment of fees, a certificate showing the names of the parties, title of paper
and time of reception.
- (8) Serve all process and notices in the manner prescribed by law.
- (9) Certify under his hand upon process or notices the manner and time
of service, or, if he fails to make service, the reasons of his failure, and
return the same without delay.
- (10) Perform such other duties as are required of him by law.
- (11) Keep a record of all stolen cars reported within his county,
which record shall contain the name of the motor vehicle, the engine number
thereof, a complete description of such vehicle and such other information
as may aid in the identification of the stolen car. Such record shall be open
to public inspection during office hours, and immediately upon receiving a
report of a stolen car the sheriff shall prepare and forward a copy thereof to
the director of the Idaho state police and he shall also notify the director
of the Idaho state police of any and all cars recovered.

1 (12) At the specific request of the governor or his designated agent,
2 prevent the unauthorized importation of wild omnivores or carnivores capa-
3 ble of causing injury to people or their property.

4 (13) Work in his county with the Idaho state police in the following re-
5 spects:

6 (a) Require all persons using the highways in the state to do so care-
7 fully, safely and with exercise of care for the persons, property and
8 safety of others;

9 (b) Safeguard and protect the surface and other physical portions of
10 the state highways;

11 (c) Enforce all of the laws of the state enacted for the identification,
12 inspection and transportation of livestock and all laws of the state de-
13 signed to prevent the theft of livestock;

14 (d) Regulate traffic on all highways and roads in the state with the au-
15 thority to temporarily close or restrict the use of any highway or road
16 whenever the closure or restriction of use is deemed necessary for the
17 safety of the public; and respond to calls following wrecks and make in-
18 vestigations relative thereto;

19 (e) Use whatever force is necessary to protect the public from wild or
20 domestic omnivores or carnivores in a manner that is consistent with 50
21 C.F.R. section 17.84(i).

22 (14) Work in his county with the Idaho transportation department to give
23 examinations for and sell drivers' licenses and identification cards.

24 (15) Expeditiously and promptly investigate all cases involving miss-
25 ing children when such cases are reported to him.

26 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
27 to be severable and if any provision of this act or the application of such
28 provision to any person or circumstance is declared invalid for any reason,
29 such declaration shall not affect the validity of the remaining portions of
30 this act.

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