

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 31

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO THE IDAHO STATE POLICE; AMENDING SECTION 67-2901, IDAHO CODE, TO  
PROVIDE CERTAIN AUTHORITY TO THE STATE FORENSIC LABORATORY AND TO MAKE  
TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-2901, Idaho Code, be, and the same is hereby  
amended to read as follows:

67-2901. IDAHO STATE POLICE CREATED -- DIRECTOR -- DIVISIONS -- POW-  
ERS AND DUTIES -- FAILURE OF PEACE OFFICERS TO OBEY ORDERS, MISDEMEANOR --  
DEPUTIES -- COMPENSATION AND POWERS. (1) There is hereby created the Idaho  
state police. The Idaho state police shall, for the purposes of section 20,  
article IV, of the constitution of the state of Idaho, be an executive de-  
partment of the state government.

(2) The governor, with the advice and consent of the senate, shall ap-  
point a director of the Idaho state police who shall serve at the pleasure of  
the governor. The director shall receive such salary as fixed by the gover-  
nor.

(3) The Idaho state police shall be composed of such divisions as may be  
established by law and other administrative units as may be established by  
the director for the proper and efficient administration of the powers and  
duties assigned to the director or the state police. The director shall ap-  
point, subject to the approval of the governor, an administrator for each di-  
vision within the state police.

(4) The director shall exercise all of the powers and duties necessary  
to carry out the proper administration of the state police, and may delegate  
duties to employees and officers of the state police.

(5) The Idaho state police shall have power to:

(a) Enforce all of the penal and regulatory laws of the state, to pre-  
serve order, and exercise any and all powers, duties and authority of  
any sheriff or other peace officer anywhere in the state of Idaho, in  
the same manner and with like authority as the sheriffs of the counties;  
said department may employ from time to time, to carry out any of the  
provisions of this subsection, such deputies or special deputies as may  
be deemed, by the governor of the state of Idaho, necessary to carry  
out these duties and powers, and deputies shall have power to deputize  
other persons as deputies when necessary; said department may call  
into the police service of the state any and all peace officers of the  
state, of any city, or of any county, and may deputize private citizens,  
when deemed necessary by the governor of the state, to preserve order  
and enforce law in any extraordinary emergency when the governor shall  
have declared, by order in writing, the existence of such extraordinary  
emergency; the governor shall designate by order such peace officers or

1 private persons as are to be called into the service of the state, and  
2 when such peace officers or deputized citizens are so called into the  
3 police service of the state such officers shall act under the direction  
4 of the director of the state police in such manner as may be directed and  
5 ordered by the governor; failure on the part of any such peace officer of  
6 the state, or person so deputized, to so act and obey such orders shall  
7 constitute a misdemeanor; the governor shall fix the compensation of  
8 such deputies;

9 (b) Prevent and detect crime and apprehend criminals and maintain or-  
10 der;

11 (c) Require all persons using the highways in the state to do so care-  
12 fully, safely, and with the exercise of care for the persons, property  
13 and safety of others;

14 (d) Safeguard and protect the surface and other physical portions of  
15 the state highways and enforce any laws for highway safety;

16 (e) Enforce federal statutes and regulations relating to motor carrier  
17 safety and hazardous materials for interstate carriers;

18 (f) Enforce Idaho statutes and rules of the Idaho state police applica-  
19 ble to motor carriers;

20 (g) Enforce all of the laws of the state enacted for the identification,  
21 inspection and transportation of livestock and all laws of the state de-  
22 signed to prevent the theft of livestock;

23 (h) Regulate traffic on all highways and roads in the state, including  
24 the authority to temporarily close or restrict the use of any highway or  
25 road whenever the closure or restriction of the use is deemed necessary  
26 for the safety of the public;

27 (i) Perform all of the duties and exercise all of the powers of peace  
28 officers vested in the director of the Idaho state police;

29 (j) Execute and serve any warrant of arrest or search warrant issued by  
30 proper authority of the state, according to the tenor thereof, in any  
31 part of the state;

32 (k) Arrest, without warrant, any person committing or attempting to  
33 commit in their presence or view a breach of the peace or any other vi-  
34 olation of any of the laws of the state;

35 (l) Members of the Idaho state police shall be subject to the call of the  
36 governor and are empowered to cooperate with any other department or au-  
37 thority of the state, with counties and municipalities, or any locality  
38 in detecting crime, apprehending criminals and preserving law and or-  
39 der throughout the state; but the Idaho state police shall not be used  
40 as a posse in any municipality, except when ordered by the governor to do  
41 so; provided nothing herein contained shall be construed to vest direc-  
42 tion or control over any sheriff, policeman, marshal or constable in the  
43 Idaho state police or any employer or officer thereof;

44 (m) Each member of the Idaho state police shall take and subscribe to an  
45 oath of office to support the constitution and laws of the United States  
46 and the state of Idaho, and to honestly and faithfully perform the du-  
47 ties imposed upon him under the provisions of the laws of Idaho as a mem-  
48 ber of the Idaho state police. The oath shall be filed with the direc-  
49 tor; and

1 (n) Enter into contractual agreements to reimburse the Idaho state po-  
2 lice for services provided to private entities if it is deemed neces-  
3 sary to enforce the law or ensure public safety when those services or  
4 resources are beyond the usual and customary services provided by the  
5 Idaho state police.

6 (6) The director shall operate and supervise a forensic laboratory  
7 ~~which that~~ will provide to state and local agencies having responsibility  
8 for enforcement of the penal laws of this state assistance in the collection,  
9 preservation and analysis of evidence in criminal cases. The forensic lab-  
10 oratory is further authorized to perform toxicology analysis and provide  
11 results of analysis to Idaho coroners and the Idaho department of health and  
12 welfare in death investigation cases submitted by Idaho coroners. Idaho  
13 state police forensic services resources, including, but not limited to,  
14 equipment, instrumentation, facilities, and supplies, may be used only  
15 by authorized employees or approved subcontractors of Idaho state police  
16 forensic services.

17 (7) The director shall provide security and protection for the governor  
18 and the governor's immediate family to the extent and in the manner the gov-  
19 ernor and the director deem adequate and appropriate.

20 (8) At the written direction of the governor or the director, the di-  
21 rector shall provide security and protection for the lieutenant governor and  
22 the lieutenant governor's immediate family to the extent and in the manner  
23 the lieutenant governor and the director deem adequate and appropriate.

24 (9) The director shall provide security and protection for both houses  
25 of the legislature while in session as in the opinion of the speaker of the  
26 house of representatives and the president pro tempore of the senate and the  
27 director deem necessary.

28 (10) The director shall provide security and protection for the supreme  
29 court and the court of appeals while they are in session, and at their places  
30 of work, as the chief justice and the director deem necessary.

31 (11) The director may award to an officer, upon retirement, that offi-  
32 cer's badge, duty weapon and handcuffs, providing that a committee of three  
33 (3) of the officer's peers certifies to the director that the retiring offi-  
34 cer has served meritoriously for a minimum of fifteen (15) years and should  
35 therefore be so honored.

36 (12) The director, within the limits of any appropriation made avail-  
37 able for such purposes, shall for such Idaho state police:

38 (a) Establish such ranks, grades and positions as shall appear advis-  
39 able and designate the authority and responsibility in each such rank,  
40 grade and position;

41 (b) Appoint such personnel to such rank, grade and position as are  
42 deemed by him to be necessary for the efficient operation and adminis-  
43 tration of the Idaho state police, and only those applicants shall be  
44 appointed or promoted who best meet the prescribed standards and pre-  
45 requisites; provided however, that all employees shall be selected in  
46 the manner provided for in chapter 53, title 67, Idaho Code, and shall be  
47 probationers and on probation for a period of one (1) year from the date  
48 of appointment;

49 (c) Formulate and place in effect such rules for the Idaho state police  
50 as from time to time appear to him advisable;

1 (d) Prescribe by official order the uniform and equipment of the em-  
2 ployees in the Idaho state police;

3 (e) Station employees in such localities as he shall deem advisable for  
4 the enforcement of the laws of the state;

5 (f) Have purchased, or otherwise acquired, by the purchasing agent of  
6 the state, motor vehicle equipment and all other equipment and commo-  
7 dities deemed by him essential for the efficient performance of the du-  
8 ties of the Idaho state police and purchase and install approved mechan-  
9 ical devices and equipment for the rapid transmission and broadcasting  
10 of information relative to crime, apprehension of criminals and the ad-  
11 ministration of the business of the Idaho state police.

12 (13) (a) The director shall issue to every eligible police officer  
13 member of the Idaho state police, as defined in section 59-1303(3),  
14 Idaho Code, and pursuant to the contract provided for by the personnel  
15 group insurance administrator in the department of administration, a  
16 term group life insurance certificate in the face amount of fifty thou-  
17 sand dollars (\$50,000) on the life of such members. Said insurance  
18 certificate shall set forth the name or names of such beneficiary or  
19 beneficiaries as the insured may name or designate.

20 (b) Any eligible person entering the employ of the Idaho state police  
21 as an active police officer after the effective date of this act shall be  
22 insured as other members of the state police immediately upon taking the  
23 oath of office.

24 (c) Every member of the Idaho state police, upon termination of active  
25 duty or permanent release, may surrender said certificate to the head of  
26 the state police, or, at the person's option, may convert the insurance  
27 in accordance with the provisions of the contract, and no further premi-  
28 ums shall be paid on said policy by the state of Idaho.

29 (d) The director is hereby directed to hereafter include in the budget  
30 of the Idaho state police an amount sufficient to pay the annual costs  
31 accruing with respect to policies of insurance purchased under the pro-  
32 visions of this chapter.

33 (e) The premiums on the insurance herein provided for are to be paid  
34 one-half (1/2) by the employee and one-half (1/2) by the state. The di-  
35 rector is hereby authorized to make a monthly deduction on the payroll  
36 of the amount due from each employee under this chapter.

37 (14) Nothing in this section shall affect the duties of the sheriff as  
38 described in section 31-2202, Idaho Code, or the primary duty, described in  
39 section 31-2227, Idaho Code, of the sheriff and prosecuting attorney of each  
40 of the several counties to enforce all the penal provisions of any and all  
41 statutes of this state.