

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 173

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO PEACE OFFICERS; AMENDING SECTION 67-2337, IDAHO CODE, TO PROVIDE THAT A PEACE OFFICER SHALL HAVE EXTRATERRITORIAL AUTHORITY IN CERTAIN INSTANCES AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 67-2337, Idaho Code, be, and the same is hereby amended to read as follows:

67-2337. EXTRATERRITORIAL AUTHORITY OF PEACE OFFICERS. (1) As used in this section, "peace officer" shall mean a certified full-time paid employee of a police or law enforcement agency whose duties include and primarily consist of the prevention, investigation and detection of crime, and the enforcement of penal, traffic, or highway laws of this state or any political subdivision.

(2) All authority that applies to peace officers when performing their assigned functions and duties within the territorial limits of the respective city or political subdivisions, where they are employed, shall apply to them outside such territorial limits to the same degree and extent only when any one (1) of the following conditions exist:

(a) A request for law enforcement assistance is made by a law enforcement agency of said jurisdiction.

(b) The peace officer possesses probable cause to believe a crime is occurring involving a felony or an immediate threat of serious bodily injury or death to any person.

(c) When a peace officer is in fresh pursuit as defined in and pursuant to chapter 7, title 19, Idaho Code.

(d) When conducting an investigation on an open case with a nexus from the peace officer's original jurisdiction.

(3) Subsection (2) of this section shall not imply that peace officers may routinely perform their law enforcement duties outside their jurisdiction in the course and scope of their employment but recognizes the need for latitude to apprehend criminals with a nexus to their territorial authority.

(4) Cities or political subdivisions may enter into mutual assistance compacts with other cities or political subdivisions of this state or of states immediately adjacent. In the case of a mutual assistance compact between cities or political subdivisions, the original, employing agency shall be responsible for any liability arising from the acts of its employees participating in such compact. Any mutual assistance compact between a city or political subdivision of this state with a city or political subdivision of any other state shall include a written statement of assumption of liability consistent with the requirements of this section.

(5) Circumstances surrounding any actual exercise of peace officer authority outside the territorial limits of the city, county, or political

1 subdivision of their employment shall be reported, as soon as safety con-  
2 ditions allow, to the law enforcement agency having jurisdiction where the  
3 authority granted herein is exercised and the officer shall relinquish au-  
4 thority and control over any event to the authority having jurisdiction.

5 (6) The state of Idaho and its agencies or departments shall not be li-  
6 able for the acts of police officers, other than ~~its~~ their own employees,  
7 commissioned by the director of the Idaho state police, for acts done under  
8 a mutual assistance compact created under this section.