

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 359

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO ACTION FOR POSSESSION; AMENDING SECTION 6-310, IDAHO CODE, TO  
REVISE A PROVISION REGARDING WHAT SHALL BE STATED IN A VERIFIED COM-  
PLAINT AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 6-310, Idaho Code, be, and the same is hereby  
amended to read as follows:

6-310. ACTION FOR POSSESSION -- COMPLAINT -- SUMMONS. (1) In an action  
exclusively for possession of a tract of land of five (5) acres or less for  
the nonpayment of rent, or on the grounds that a landlord has reasonable  
grounds to believe that any person is, or has been, engaged in the unlawful  
delivery, production or use of a controlled substance on the leased premises  
during the term for which the premises are let to the tenant, or in the event  
the tenant is a tenant at sufferance pursuant to ~~subsection (11) of section~~  
45-1506(11), Idaho Code, it is sufficient to state in the complaint:

(a) A description of the premises with convenient certainty;

(b) That the defendant is in possession of the premises;

(c) That the defendant entered upon the premises, holds the premises,  
and is in default of the payment of rent or that the landlord has rea-  
sonable grounds to believe that any person is, or has been, engaged in  
the unlawful delivery, production or use of a controlled substance on  
the leased premises during the term for which the premises are let to the  
tenant;

(d) That all notices required by law have been served upon the defen-  
dant in the required manner or no notice is required because the defen-  
dant is a tenant at sufferance pursuant to ~~subsection (11) of section~~  
45-1506(11), Idaho Code; and

(e) That the plaintiff is entitled to the possession of the premises.

(2) Upon filing the complaint, a summons must be issued, served and re-  
turned as in other actions, provided, however, that at the time of issuance  
of the summons, the court shall schedule a trial within twelve (12) days from  
the filing of the complaint, and the service of the summons, complaint and  
notice of trial setting on the defendant shall be not less than five (5) days  
before the day of trial appointed by the court.

(3) In an action for possession against a defendant alleged to be occu-  
pying property as a result of forcible detainer, a property owner shall state  
in a verified complaint:

(a) A description of the premises with convenient certainty;

(b) That the defendant is in possession of the premises;

(c) That the defendant entered upon the premises and holds the premises  
by means of forcible detainer;

1 (d) That neither the property owner nor any agent thereof has ever en-  
2 tered into a lease or any other similar agreement with the defendant;

3 (e) That ~~all notices required by law have~~ demand has been served upon  
4 made to the defendant in the required manner for surrender of the prop-  
5 erty, and the defendant has refused to surrender the property to the  
6 former occupant or property owner; and

7 (f) That the plaintiff is entitled to the possession of the premises.

8 (4) Upon filing the complaint, a summons must be issued, served and  
9 returned as in other actions, provided, however, that at the time of issuance  
10 of the summons, the court shall schedule a trial within seventy-two (72)  
11 hours from the filing of the complaint, excluding weekends and official hol-  
12 idays. The service of the summons, complaint and notice of trial setting on  
13 the defendant shall be not less than twenty-four (24) hours before the time  
14 of trial appointed by the court.

15 (5) If any property owner files an action for possession against a de-  
16 fendant alleged to be occupying the property as a result of forcible detainer  
17 when a landlord-tenant relationship existed with the defendant and/or in bad  
18 faith, said property owner shall be liable to the defendant for treble dam-  
19 ages as enumerated in this chapter.