

IN THE SENATE

SENATE BILL NO. 1093, As Amended in the House

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO UNLAWFUL ENTRY; AMENDING SECTION 18-7034, IDAHO CODE, TO PROVIDE  
2 THAT A PERSON WHO ENTERS A PERMANENT OR TEMPORARY DWELLING WITHOUT CON-  
3 SENT WHILE BEING PURSUED BY A PEACE OFFICER IS GUILTY OF A FELONY, TO DE-  
4 FINE A TERM AND TO MAKE A TECHNICAL CORRECTION.  
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 18-7034, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 18-7034. UNLAWFUL ENTRY ~~A MISDEMEANOR~~. (1) Every person, except under  
10 landlord-tenant relationship, who enters any dwelling house, apartment,  
11 tenement, shop, warehouse, store, mill, barn, stable, outhouse or other  
12 building, tent, vessel, closed vehicle, closed trailer, airplane, railroad  
13 car or outbuilding, without the consent of the owner of such property or his  
14 agent or any person in lawful possession thereof, is guilty of a misdemeanor.

15 (2) Any person who enters any permanent or temporary dwelling without  
16 the consent of the owner of such property or his agent or any person in law-  
17 ful possession thereof while being pursued by a peace officer is guilty of a  
18 felony. For purposes of this subsection "pursued" means "fresh pursuit" as  
19 defined in section 19-705, Idaho Code.