

IN THE SENATE

SENATE BILL NO. 1173, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

1  
2 RELATING TO PREVENTION OF PUBLIC OFFENSES; AMENDING SECTION 19-202, IDAHO  
3 CODE, TO PROVIDE FOR THE DEFENSIVE DISPLAY OR DECLARATION OF A FIREARM  
4 AND TO PROVIDE THAT THE DEFENSIVE DISPLAY OR DECLARATION OF A FIREARM  
5 SHALL NOT BE REQUIRED IN CERTAIN INSTANCES; AND DECLARING AN EMERGENCY  
6 AND PROVIDING AN EFFECTIVE DATE.

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

8 SECTION 1. That Section 19-202, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 19-202. RESISTANCE BY THREATENED PARTY. (1) Resistance sufficient to  
11 prevent the offense may be made by the person about to be injured:

12 (a) To prevent an offense against his person, or his family, or some  
13 member thereof; or

14 (b) To prevent an illegal attempt by force to take or injure property in  
15 his lawful possession.

16 (2) The defensive display or declaration of a firearm by a person is  
17 justified when and to the extent a reasonable person would believe that  
18 physical force is necessary to protect the person or another person against  
19 the use or attempted use of unlawful physical force, including deadly force.  
20 The provisions of this subsection do not apply to someone who intentionally  
21 provokes another person to use or attempt to use unlawful physical force or  
22 deadly physical force. For purposes of this section, "defensive display or  
23 declaration of a firearm" shall include:

24 (a) Verbally informing another person that the person possesses or has  
25 available a firearm; and

26 (b) Exposing, displaying, or placing a person's hand on a firearm while  
27 the firearm is contained in a holster, pocket, purse, or other means of  
28 containment or transport in a manner that a reasonable person would un-  
29 derstand was meant to protect the person or another against an unlawful  
30 use or attempted use of physical force or deadly physical force.

31 (3) The provisions of this section do not require a defensive display  
32 or declaration of a firearm before the use of physical force or deadly physi-  
33 cal force, or threat of physical force or deadly physical force, by a person  
34 who is otherwise justified in the use or threatened use of physical force or  
35 deadly physical force.

36 ~~(2)~~ (4) A person acting pursuant to this section may use such degree and  
37 extent of force as would appear to be reasonably necessary to prevent the  
38 threatened injury. Reasonableness is to be judged from the viewpoint of a  
39 reasonable person placed in the same position and seeing and knowing what the  
40 person then saw and knew without the benefit of hindsight.

1           SECTION 2. An emergency existing therefor, which emergency is hereby  
2 declared to exist, this act shall be in full force and effect on and after  
3 July 1, 2023.