

IN THE SENATE

SENATE JOINT RESOLUTION NO. 104

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

1 PROPOSING AN AMENDMENT TO SECTION 17, ARTICLE I, OF THE CONSTITUTION OF THE  
2 STATE OF IDAHO, RELATING TO WARRANTLESS ARRESTS; STATING THE QUESTION  
3 TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO  
4 PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF  
5 STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.  
6

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

8 SECTION 1. That Section 17, Article I, of the Constitution of the State  
9 of Idaho be amended to read as follows:

10 Section 17. UNREASONABLE SEARCHES AND SEIZURES PROHIB-  
11 ITED. The right of the people to be secure in their persons, houses,  
12 papers and effects against unreasonable searches and seizures  
13 shall not be violated; and no warrant shall issue without proba-  
14 ble cause shown by affidavit, particularly describing the place to  
15 be searched and the person or thing to be seized. No warrantless  
16 arrest based on probable cause to believe the person committed an  
17 offense shall be deemed an unreasonable seizure solely because  
18 the offense in question was not committed in a peace officer's  
19 presence. Nothing in this section shall limit the legislature's  
20 authority to statutorily limit the authority to arrest.

21 SECTION 2. The question to be submitted to the electors of the State of  
22 Idaho at the next general election shall be as follows:

23 "Shall Section 17, Article I, of the Constitution of the State of Idaho  
24 be amended to provide that a law enforcement officer may make a warrantless  
25 arrest for an offense that takes place outside of the officer's presence  
26 if the arrest is based upon probable cause and is in compliance with state  
27 law?".

28 SECTION 3. The Legislative Council is directed to prepare the state-  
29 ments required by Section 67-453, Idaho Code, and file the same.

30 SECTION 4. The Secretary of State is hereby directed to publish this  
31 proposed constitutional amendment and arguments as required by law.