

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 393

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1301, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO THE AWARD OF SPECIFIED EQUIPMENT UPON THE RETIREMENT OF CONSERVATION OFFICERS.

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

SECTION 1. That Section 36-1301, Idaho Code, be, and the same is hereby amended to read as follows:

36-1301. POWER AND DUTY OF OFFICERS -- OFFICIAL BADGE -- WHO MAY WEAR ~~ISSUANCE UPON RETIREMENT~~. (1) Authorized Officers. The director, all conservation officers and other classified department employees, and all sheriffs, deputy sheriffs, forest supervisors, marshals, police officers, state forest department officers, and national forest rangers shall have statewide jurisdiction and it is hereby made their duty to enforce the provisions of the Idaho fish and game code.

(2) Authority and Limitations as Peace Officers. All conservation officers who receive certification from the Idaho peace officer standards and training advisory council shall have all the authority given by statute to peace officers of the state of Idaho. All other classified employees appointed by the director shall have the power of peace officers limited to:

(a) The enforcement of the provisions of title 36, Idaho Code, and commission rules and proclamations promulgated pursuant thereto.

(b) The arrest of persons having domestic animals unlawfully in their possession.

(c) The enforcement of the provisions of chapter 70, title 67, Idaho Code, provided that such authority is exercised in cooperation with sheriffs of the respective counties.

(d) Responding to express requests from other law enforcement agencies for aid and assistance in enforcing other laws. For purposes of this section, such a request from a law enforcement agency shall mean only a request for assistance as to a particular and singular violation or suspicion of violation of law, and shall not constitute a continuous request for assistance outside the purview of enforcement of title 36, Idaho Code.

(3) Additional Authority and Duties. Said officers and employees shall have additional peace officer power, but not constituting an obligation beyond their regular course of duty, relative to:

(a) The enforcement of the provisions of title 38, Idaho Code (Idaho forestry act), as authorized by section 38-133, Idaho Code.

(b) The enforcement of provisions of chapter 71, title 67, Idaho Code.

(c) The enforcement of the provisions of sections 18-3906 and 18-7031, Idaho Code, relating to littering.

1 (d) The enforcement of the provisions of section 42-3811, Idaho Code,  
2 relating to the enforcement of certain provisions of chapter 38, title  
3 42, Idaho Code.

4 (4) Official Badge -- Who May Wear. No person who is not at the time  
5 a classified employee or conservation officer, duly authorized and commis-  
6 sioned by the director, shall wear or exhibit in public an official badge of  
7 the department of fish and game of the state of Idaho.

8 ~~(5) Issuance Upon Retirement. The director may award to a conservation~~  
9 ~~officer, upon retirement, that officer's badge, duty weapon and handcuffs,~~  
10 ~~providing that a committee of three (3) of the conservation officer's peers~~  
11 ~~certifies to the director that the retiring officer has served meritoriously~~  
12 ~~for a minimum of fifteen (15) years and should therefore be so honored.~~