

IN THE SENATE

SENATE BILL NO. 1355

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE IDAHO MEDAL OF HONOR; AMENDING SECTION 67-8801, IDAHO CODE,  
2 TO PROVIDE FOR THE IDAHO MEDAL OF HONOR; AMENDING SECTION 67-8802, IDAHO  
3 CODE, TO PROVIDE FOR THE IDAHO MEDAL OF HONOR, TO REVISE PROVISIONS  
4 REGARDING THE COMMISSION, AND TO REVISE PROVISIONS REGARDING RULES;  
5 AMENDING SECTION 67-8803, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
6 THE AWARDING OF THE MEDAL OF HONOR; AMENDING SECTION 67-8804, IDAHO  
7 CODE, TO REVISE PROVISIONS REGARDING POSTHUMOUS AWARDING OF THE MEDAL  
8 OF HONOR; AMENDING SECTION 67-8805, IDAHO CODE, TO REVISE PROVISIONS  
9 REGARDING THE DESIGN AND COST OF THE MEDAL OF HONOR; AMENDING SECTION  
10 67-8806, IDAHO CODE, TO REVISE A DEFINITION AND TO DEFINE TERMS; AMEND-  
11 ING CHAPTER 88, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
12 67-8807, IDAHO CODE, TO PROVIDE FOR NOMINATIONS; AND AMENDING CHAPTER  
13 88, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-8808, IDAHO  
14 CODE, TO PROVIDE FOR QUALIFICATIONS.  
15

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

17 SECTION 1. That Section 67-8801, Idaho Code, be, and the same is hereby  
18 amended to read as follows:

19 67-8801. IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS MEDAL OF HONOR  
20 ESTABLISHED. There is hereby established a decoration of the Idaho law en-  
21 forcement, firefighting and EMS medal of honor, referred to in this chap-  
22 ter as the "Idaho medal of honor," with accompanying ribbons and appurte-  
23 nances for award by the governor in the name of the state to any law enforce-  
24 ment officer, firefighter or EMS provider who has been killed or seriously  
25 injured in the performance of duty, or who has been distinguished by excep-  
26 tionally meritorious conduct, upon nomination of the Idaho law enforcement,  
27 firefighting and EMS medal of honor commission.

28 SECTION 2. That Section 67-8802, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 67-8802. IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS MEDAL OF HONOR  
31 COMMISSION CREATED -- MEMBERSHIP -- ESTABLISHMENT OF QUALIFICATIONS FOR  
32 AWARD. (1) There is hereby created in the office of the governor the Idaho  
33 law enforcement, firefighting and EMS medal of honor commission, hereafter  
34 referred to as the commission, which shall nominate candidates for the award  
35 of the Idaho ~~law enforcement, firefighting and EMS~~ medal of honor. The com-  
36 mission shall consist of one (1) representative from each of the following:  
37 the office of the governor, the office of the attorney general, the Idaho  
38 prosecuting attorneys association, the Idaho chiefs of police association,  
39 the Idaho fire chiefs association, the Idaho sheriffs' association, the  
40 Idaho peace officers association, the Idaho department of health and welfare

1 bureau of emergency medical services ~~and~~, the peace officers standards and  
 2 training council, and the professional firefighters of Idaho. Members of  
 3 the commission shall be appointed by the governor and shall each serve for  
 4 a term of four (4) years. Members of the commission shall hold office until  
 5 the latter of expiration of the term to which the member was appointed or his  
 6 successor has been duly appointed and qualified.

7 (2) The attorney general or his designee shall serve as chair of the  
 8 commission and shall designate a secretary for the commission.

9 (3) The commission shall meet annually, or at the call of the chair, to  
 10 consider candidates for nomination. Commission meetings may be conducted  
 11 via teleconference.

12 (4) The commission ~~shall~~ may adopt such rules ~~establishing the quali-~~  
 13 ~~fications for the Idaho law enforcement, firefighting and EMS medal of honor~~  
 14 ~~and the protocol governing the decoration, and other rules~~ as it deems neces-  
 15 sary to carry out the purposes of this chapter.

16 SECTION 3. That Section 67-8803, Idaho Code, be, and the same is hereby  
 17 amended to read as follows:

18 67-8803. WHEN AND BY WHOM AWARDED. The Idaho ~~law enforcement, fire-~~  
 19 ~~fighting and EMS~~ medal of honor shall be awarded by the governor ~~to the law~~  
 20 ~~enforcement recipients during the national law enforcement recognition week~~  
 21 ~~and to the firefighter and EMS recipients during the annual Idaho fallen~~  
 22 ~~firefighter memorial~~ in a ceremony during the time that the legislature is  
 23 in session or at such other time as the commission may decide. The governor  
 24 may delegate the awarding of the medal to the lieutenant governor, or the  
 25 attorney general, or another member of the commission.

26 SECTION 4. That Section 67-8804, Idaho Code, be, and the same is hereby  
 27 amended to read as follows:

28 67-8804. POSTHUMOUS AWARD. The Idaho ~~law enforcement, firefighting~~  
 29 ~~and EMS~~ medal of honor may be awarded posthumously by presentation to a rep-  
 30 resentative of the deceased as may be deemed appropriate by the governor or  
 31 the designees specified in section 67-8803, Idaho Code.

32 SECTION 5. That Section 67-8805, Idaho Code, be, and the same is hereby  
 33 amended to read as follows:

34 67-8805. DESIGN AND COST. The decoration of the Idaho ~~law enforcement,~~  
 35 ~~firefighting and EMS~~ medal of honor shall be cast in bronze or other metal.  
 36 The design of the medal shall incorporate the great seal of the state of Idaho  
 37 with other insignia as deemed appropriate by the ~~law enforcement, firefight-~~  
 38 ~~ing and EMS medal of honor~~ commission. The reverse of the decoration shall be  
 39 inscribed with the words: "For ~~exceptionally~~ honorable and meritorious con-  
 40 duct ~~in performing services as a law enforcement officer, firefighter or EMS~~  
 41 ~~provider.~~" The cost of the medal shall be paid by the agency whose officer,  
 42 firefighter or EMS provider receives the medal. The family of a recipient  
 43 may request a second medal and may receive such medal upon payment to the com-  
 44 mission of the cost of the medal.

1 SECTION 6. That Section 67-8806, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 67-8806. DEFINITIONS. As used in this chapter:

4 (1) "EMS" means emergency medical services; ~~and.~~

5 (2) "Emergency medical services provider" or "EMS provider" means an  
6 emergency medical ~~services provider certified technician, advanced emer-~~  
7 gency medical technician, or paramedic licensed by the department of health  
8 and welfare pursuant to sections 56-1011 through 56-1018B, Idaho Code, and  
9 an ambulance-based clinician as defined in the rules governing emergency  
10 medical services as adopted by the department of health and welfare.

11 (3) "Exceptional meritorious conduct" means an act of bravery and self-  
12 sacrifice, at the risk of serious injury or loss of one's own life, which is  
13 so conspicuous as to clearly distinguish the individual above his comrades.

14 (4) "Firefighter" means a volunteer member or paid employee whose pri-  
15 mary duty is preventing, extinguishing, or investigating fires and who pre-  
16 vents, extinguishes, or investigates fires as part of a fire district, fire  
17 department, or agency that is a part of or administered by the state or any  
18 political subdivision thereof.

19 (5) "Law enforcement officer" means a volunteer member or a paid em-  
20 ployee of a police or law enforcement agency that is a part of or administered  
21 by the state, a federally recognized Indian tribe, or any political subdi-  
22 vision of the state whose primary duties are the prevention and detection of  
23 crime and the enforcement of the laws of this state or any of its political  
24 subdivisions.

25 (6) "Serious injury" means any injury that causes great bodily harm and  
26 a probability of death, any injury that causes significant permanent disfig-  
27 urement, or any injury that causes a significant permanent loss or impair-  
28 ment of the function of any body part or organ.

29 SECTION 7. That Chapter 88, Title 67, Idaho Code, be, and the same is  
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
31 ignated as Section 67-8807, Idaho Code, and to read as follows:

32 67-8807. NOMINATIONS. (1) All nominations shall be:

33 (a) In writing;

34 (b) Submitted on the form provided by the commission; and

35 (c) Postmarked and mailed, or hand-delivered, to the commission chair-  
36 man at the address appearing on the nomination form on or before the date  
37 set forth on the form.

38 (2) All documentation, photographs, testimonials, affidavits, or  
39 other supplemental or additional information pertaining to the nomination  
40 must accompany the completed form.

41 (3) Nomination forms must be endorsed by the chief law enforcement of-  
42 ficer of the department of the nominee, the fire chief, or the head of the  
43 nominee's EMS agency, as applicable.

44 SECTION 8. That Chapter 88, Title 67, Idaho Code, be, and the same is  
45 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
46 ignated as Section 67-8808, Idaho Code, and to read as follows:

1           67-8808. QUALIFICATIONS. All nominees shall:

2           (1) Be, or at the time of the incident must have been, a law enforcement  
3 officer, firefighter, or EMS provider performing or fulfilling responsibil-  
4 ities in an official capacity as a law enforcement officer, firefighter, or  
5 EMS provider; and

6           (2) Have performed with exceptional meritorious conduct, including  
7 conduct that resulted in death or serious injury.