IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 252

BY WAYS AND MEANS COMMITTEE

1 AN ACT
2 RELATING TO FISH AND GAME; AMENDING SECTION 36-1201, IDAHO CODE, TO PRO-
3 VIDE THAT CHECK STATIONS MUST BE ESTABLISHED PURSUANT TO POLICIES AND
4 PROCEDURES DEFINED IN RULE UNDER SPECIFIED LAW; AND AMENDING SECTION
5 36-1303, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE THAT
6 ONLY CERTAIN OFFICERS SHALL BE VESTED WITH SPECIFIED AUTHORITY, TO RE-
7 VISE PROVISIONS REGARDING CERTAIN INSPECTIONS AND SEARCHES, TO REQUIRE
8 A WARRANT, TO PROVIDE EXCEPTIONS, AND TO PROVIDE FOR STOPS.

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

10 SECTION 1. That Section 36-1201, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 36-1201. PRODUCTION OF WILDLIFE FOR INSPECTION -- STOP AT CHECKING
13 STATIONS -- LICENSE MUST BE ON PERSON. No fisherman, hunter or trapper shall
14 refuse or fail to:
15 (a) Inspection of Wildlife. Upon request of the director, produce for
16 inspection any wildlife in his possession.
17 (b) Check Stations. Stop and report at a wildlife check station en-
18 countered on his route of travel when directed to do so by personnel on duty.
19 Such direction may be accomplished by signs prominently displayed along the
20 route of travel indicating those persons required to stop. All check sta-
21 tions must be established pursuant to policies and procedures defined in a
22 legally adopted rule pursuant to chapter 52, title 67, Idaho Code.
23 (c) License to be Carried and Exhibited on Request. Have the proper re-
24 quired license, temporary license, authorization number or other informa-
25 tion required by rule, on his person at all times when hunting, fishing or
26 trapping and produce the same for inspection upon request of a conservation
27 officer or any other person authorized to enforce fish and game laws. How-
28 ever, no person charged with violating this subsection shall be convicted if
29 he produces in court a license, theretofore issued to him and valid at the
30 time of his arrest.

31 SECTION 2. That Section 36-1303, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 36-1303. ~~RIGHT OF~~ INSPECTION -- SEARCH -- STOP. (1) Intent. The in-
34 tent of this section is to establish the state's policy of balancing the pre-
35 sumption of privacy for all citizens against addressing the state's inter-
36 est in the management and conservation of its natural resources, including
37 wildlife.
38 (2) Authority. In accordance with this section, only o~~O~~fficers with
39 certification from the Idaho peace officer standards and training advisory
40 council are hereby vested with authority and it is their duty to:

1   (a) Inspection ~~of Storage Facilities~~. Seek to i~~I~~nspect all depots,
2   cars, warehouses, cold storage rooms, warerooms, restaurants, hotels,
3   motels, markets, air terminals and all baggage, packages, and packs
4   held ~~either~~ for sale, shipment or storage ~~which they shall~~ <u>that they</u>
5   have probable cause to believe contain evidence of the violation of any
6   provisions of this title.
7   (b) ~~Right of~~ Search. Seek to s~~S~~earch, ~~with or without a warrant,~~ the
8   tents, wagons, autos, boats, aircraft (private or chartered), campers,
9   camp trailers, or other vehicles, camps, baggage or packs of any person
10   in the state, when they ~~shall~~ have probable cause to believe such person
11   has in his possession any unlawfully taken wildlife or any equipment or
12   substances used to take such wildlife.
13   <u>(3) Warrant. Before any search or inspection of an area not in plain</u>
14 <u>view of an officer who has a lawful right of access to that area is conducted</u>
15 <u>under the provisions of this section, a warrant must be obtained, except</u>
16 <u>nothing in this section shall impact the authority of an officer to conduct a</u>
17 <u>search under any of the three (3) following constitutionally recognized ex-</u>
18 <u>ceptions to a warrant requirement: conducting a search incident to a lawful</u>
19 <u>arrest, conducting a consensual search, or conducting a search of a vehicle</u>
20 <u>officers have probable cause to believe contains evidence of a violation of</u>
21 <u>law.</u>
22   <u>(4) Stop. Unless the stop is pursuant to a wildlife check station as</u>
23 <u>authorized by section 36-1201(b), Idaho Code, no officer shall stop a vehi-</u>
24 <u>cle without probable cause to believe that the vehicle contains contraband</u>
25 <u>or that an offense has been committed by an occupant of the vehicle.</u>