

IN THE SENATE

SENATE BILL NO. 1152

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO JURISDICTION ON MILITARY INSTALLATIONS; AMENDING CHAPTER 7, TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 58-708, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING JURISDICTION OVER CERTAIN INDIVIDUALS ON MILITARY INSTALLATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 7, Title 58, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 58-708, Idaho Code, and to read as follows:

58-708. JURISDICTION OVER CIVILIANS ON MILITARY INSTALLATIONS. (1) Notwithstanding any current jurisdiction authorized by existing state or federal statute, the state of Idaho hereby accepts the transfer of jurisdiction over adult and juvenile civilian offenders from the United States on military lands or portions of military lands upon request from the United States and delegates and directs the governor to ensure the legal completion of such requests.

(2) Any person designated by the federal government may file a request with the governor for change in jurisdiction over adult and juvenile civilian offenders on certain property or portions of a property held by the United States and operated for military purposes, and the governor is hereby authorized to accept such a request, ensuring adequate prosecution and access to justice for adult and juvenile civilian offenders and protection for victims of such offenders for offenses that occur on military lands in Idaho.

(3) A legally adequate request shall contain:

(a) A description of the property or portion of the property over which the transfer of jurisdiction for adult and juvenile civilian offenders is sought, described in terms legally sufficient to identify the boundaries of the property;

(b) A description of the existing jurisdiction over the property held by the United States;

(c) A description of the jurisdiction over adult and juvenile civilian offenders that the United States proposes to be transferred; and

(d) A statement by the requesting person that the person has the authority to make the request on behalf of the United States.

(4) The transfer of jurisdiction shall not be exclusive jurisdiction, shall not affect any other existing jurisdiction other than granting Idaho courts jurisdiction, and shall not affect any other jurisdiction agreements. The details of coordination efforts may be further negotiated in a memorandum of understanding or law enforcement cooperation agreement between the United States military service operating the military lands and the respective state or local law enforcement agency.

1       (5) The transfer of jurisdiction over adult and juvenile civilian of-  
2 fenders shall become effective upon:

3       (a) The governor's filing of the documents signifying such request and  
4 acceptance with the office of the Idaho secretary of state; and

5       (b) The governor's filing of the documents signifying such request and  
6 acceptance with the applicable local offices of county land records.

7       (6) No transfer of jurisdiction authorized pursuant to this section  
8 shall in any way restrict the state of Idaho's sole determination regarding  
9 when an adult or juvenile civilian offender shall or shall not be prosecuted,  
10 including a request to transfer a juvenile offender to adult court by the  
11 appropriate prosecuting authority.

12       SECTION 2. An emergency existing therefor, which emergency is hereby  
13 declared to exist, this act shall be in full force and effect on and after  
14 July 1, 2025.