

# Idaho Legislative Update

provided by the  
Fraternal Order of Police

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Bill #	Purpose / Summary	Status
	Reviewed House Bills up through H 633	
	Reviewed Senate Bills up through 1371	
	<b>FOP SPONSORED BILLS</b>	
H 570	<p><b>Peace Officer Temporary Disability Bill - currently officers injured in the line of duty are only entitled to full pay if the injury occurs while responding to an emergency or during pursuit. This bill expands the language to “When the injury is caused by the actions of another person.” This will cover officers who are attacked, run over, shot, etc even if they weren’t responding to an emergency. There is no increase in fines or fiscal impact to the general fund. The current disability funding mechanism is through a \$3 fine on misd and felony convictions. That fine will remain the same as the fund has almost \$600K. Please contact members of the House Transportation Committee and your district Representative to show your support for this bill.</b></p> <p><a href="http://legislature.idaho.gov/legislation/2012/H0570.htm">http://legislature.idaho.gov/legislation/2012/H0570.htm</a></p>	<p>Printed 2-20-12 Assigned to House Transportation Committee. Chairman of the committee is Rep. Palmer, our sponsor on the bill.</p>
S 1338	<p><b>Child Enticement - FOP worked with ICAC Detective Tim Brady and the prosecutors office on this legislation. The bill expands the language to keep up with modern technology used to entice children.</b></p> <p><a href="http://legislature.idaho.gov/legislation/2012/S1338.htm">http://legislature.idaho.gov/legislation/2012/S1338.htm</a></p>	<p>Printed 2-20-12 and assigned to Senate Jud and Rules Comm. 3/1 Pass and sent to Sen Floor</p>

Bill #	Purpose / Summary	Status
S 1337	<p><b>Sexual Exploitation of a Child - FOP worked with ICAC Det. Tim Brad and the prosecutors office on this legislation. The bill expands language to keep up with modern technology to address the ways people sexually exploit children. It also removes the language requiring that the distribution of exploitive material needs to be for commercial purposes or for monetary benefit since many of todays pedophiles are simply sharing and trading child pornography for free.</b></p> <p><a href="http://legislature.idaho.gov/legislation/2012/S1337.htm">http://legislature.idaho.gov/legislation/2012/S1337.htm</a></p>	<p>Printed 2-20-12 and assigned to Senate Jud and Rules Comm. 3/1 Sent for amendment at our recommendation.</p>
<b>L.E. Related House Bills</b>		
H 364 <b>Done</b>	<p>Clarifies language for police retirement and fire retirement pension laws. It's a good bill for retired officers on the old system and very good for Boise officers or other agencies who pay into a Social Security Replacement Plan instead of Social Security, since it gives them the same tax deductions as soc sec when we retire.</p>	<p>Printed 1-16-12 1-17-12 assigned to Rev/Tax Comm Pass House 68-0-2 Send to Sen. Loc Gov comm 2/1 Pass Comm sent to Senate Floor 2/6 passed Sen. Floor 33-0-2 Signed by Gov and effective 1-1-12</p>
H 370	<p>Medical Marijuana law - Legalizes marijuana for medicinal purposes.</p>	<p>Printed 1-17-12 1-18-12 Sent to State Affairs. 2/20 No action in committee as of</p>
H 380 <b>Done</b>	<p>The purpose of this legislation is to amend Chapter 16, Title 67, Idaho Code by adding section 67-1613 to prohibit camping on capitol mall properties and other state facilities and defines "camping" in that context. Immediate impact is that it would prohibit the Occupy Boise Protestors from camping at the old courthouse</p>	<p>1-18-12 Printed 1-19-12 Assigned to State Affairs No action and probably dead due to new bill H 404</p>

Bill #	Purpose / Summary	Status
<p>H 402 <b>Done</b></p>	<p>This would be a “housekeeping,” piece of legislation. Currently, the Director of the Idaho State Police, literally, has no say and/or control concerning but not limited to administrative, fiscal, purchasing and personnel matters within the Idaho Brand Board. Yet, the Idaho Brand Board is a part of the Idaho State Police. The proposed changes would update Idaho Code: 25-1103, 25-1104 and 25-1106.</p>	<p>1/20 Printed 1/23 sent to H Jud &amp; Rules 1/26 passed comm sent to H Floor 2/1 Passed House 68-0-2 sent to Sen. Jud &amp; Rules comm 2/13 passed comm and sent to floor Passed and signed by Gov.</p>
<p>H 403</p>	<p>This legislation would put into statute the requirement for tow truck drivers, operators, and owners on ISP tow rotations to be criminal history background checked through both Idaho and FBI databases. State and national checks would allow for more comprehensive and thorough assessments of those companies and their representatives requesting to be included on ISP tow rotations.</p>	<p>1/20 Printed 1/23 to H Jud &amp; Rules 2/29 No action as of</p>
<p>H 404a <b>Done</b></p>	<p>The purpose of this legislation is to amend Chapter 16, Title 67, Idaho Code by adding section 67-1613 to prohibit camping on capitol mall properties and other state facilities and defines "camping" in that context. (This probably means H 380 is dead and replaced by this bill)</p>	<p>1/20 Printed House floor 3rd reading 1/26 passed House 54-16 sent to Sen. State Aff. 2/2 sent to 14th order for amending 2/10 sent back to Sen floor 2/17 passed senate and sent back to House with Amen. Passed house Sign by Gov 2/21</p>

Bill #	Purpose / Summary	Status
<p>H 418 <b>Done</b></p>	<p>Excludes travel and subsistence expense reimbursement when determining salary for PERSI benefits</p>	<p>1/27 sent House Comm Human Resources 2/2 pass comm sent to House floor Passed 70-0-0 2/10 sent to Sen Commerce human resource comm 2/16 passed comm and sent to floor. Passed. Sign by Gov</p>
<p>H 448</p>	<p><b>POST fee increase</b> - Funding under Chapter 3201B is based on a set \$10.00 fee charged to any individual found guilty of a felony, misdemeanor, or traffic, conservation or ordinance violation. Revenues from this fund account for 72% of POSTS total revenues and they have fallen off sharply during the past years. A fee increase from \$10.00 to \$15.00 would generate an additional \$1,139,530, restoring POST funding back to levels necessary to maintain administrative operations, meet the training demands of the profession, and provide for expected demand for services over the next five (5) years</p>	<p>2/1 Printed in House Jud &amp; Rules 2/15 passed Jud and Rules sent to floor. Passed floor 40-27. Sent to senate Jud comm</p>
<p>H 449</p>	<p>Amends existing law to require the court to impose certain fines against certain defendants to be paid to the Idaho State Police for deposit into the Drug and Driving While Under the Influence Enforcement Donation Fund.</p>	<p>2/1 Printed in House Jud &amp; Rules 2/9 sent to House floor 2/14 passed floor sent to Senate Jud and Rules 2/28 Sent to amending</p>

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H 450	Creates the Alcohol Beverage Control Fund, to provide moneys for the Alcohol Beverage Control Fund, to provide that expenditures from such fund shall be subject to legislative appropriation, to provide for the transfer of certain excess moneys to the General Fund and to specify that other certain moneys shall be deposited in the General Fund; and to provide that certain moneys collected by the director of the Idaho State Police shall be deposited in the Alcohol Beverage Control Fund and other certain moneys shall be deposited in the General Fund.	2/1 Printed in House Jud & Rules 2/14 passed comm and sent to floor. Passed House 57-11-2. 2/21 to Senate State Affairs comm
H 475	<b>Allows extension of misd probation</b> to accommodate people in DUI Drug and other specialty court help programs	2/14 passed House and sent to Sen Jud and Rules 2/28 passed Senate committee and floor
H 478	Liquor by the Drink -Authorizes issuance of state retail license for retail sale of liquor by the drink to a resort city inn with not less than 15 guest rooms	2/3 Print 2/3 Assigned to State Affairs 2/29 pass and sent to House floor
H 480	Parking Meters during Legislative Session - Parking meters adjacent to state buildings non-operational during legislative session to allow public to take part in lawmaking process	2/7 print 2/8 Transport Committee. passed and passed floor 41-27. 2/24 Sent to Senate State Aff
H 489	Exempts beverages given as free tasting to potential customers from having use tax imposed	2/7 print 2/8 Rev & Tax comm 2/24 passed floor 3/1 passed Sen loc gov comm sent to senate floor

Bill #	Purpose / Summary	Status
H 497	Post Conviction DNA testing requested by petitioner must be a standard practice of ISP Lap and if not, ISP is not required to outsource or pay for testing	2/8 Print 2/9 Jud Rules Comm 2/15 passed comm sent to floor 2/21 passed floor 63-0-7 2/22 Sen. Jud Rules
H 502a	Controlled Substance schedules are updated as required by 37-2702(d) and 37-2714	2/9 Print 2/10 Health & Welfare Comm 2/23 Amend 2/29 passed floor amended 65-0-5 3/1 Sen Health Wel
H 514	<b>Disturbing the Peace</b> - adds the following words "or by conduct that is intended to seriously alarm or harass a person such as would cause a reasonable person substantial emotional distress," to 18-6409	2/9 Print 2/10 Jud Rules 2/28 passed House 67-0-3 2/29 Sen Jud Rules
H 528	DOMESTIC VIOLENCE - SEXUAL ASSAULT - Amends existing law relating to domestic violence and crime prevention; to revise provisions relating to actions for protection associated with domestic violence and to provide for actions for protection associated with sexual assault, sexual abuse and stalking.	2/14 assigned to House Jud and Rules 3/4 No action as of
H 532	Allows POST to charge fees for use of facilities and equipment to private and non law enforcement entities <b>Allows POST to charge fees for use of facilities and equipment by law enforcement agencies for anything beyond basic training and fees for facilitating, arranging and assisting with training certification or continuing education for L.E. agencies</b>	2/16 passed Jud and rules and sent to floor 2/22 Passed House 67-0-3 2/23 Sen Jud Rules

Bill #	Purpose / Summary	Status
H 540	The number of uninsured motorists on Idaho's roadways is a rising concern. This legislation will create an Online Insurance Verification Program with a real-time response to verify the existence of insurance coverage on a motor vehicle. This program will be available to law enforcement, Department of Transportation, Department of Insurance and the Courts.	2/15 assigned to Trans committee 2/24 Amend 2/29 Pass Floor 65-0-5 3/1 Sen Trans
H 586	Move Over law for Bikes, pedestrians - legislation requires (when possible and safe) that motor vehicles provide a three-foot distance on the left when passing a pedestrian, bicyclist, or other human or animal powered vehicle (including wheelchairs). To adequately reflect road conditions, if it is not safe for the motorist to provide this three-foot safe separation, an exemption would be allowable.	2/24 House Trans
H 595	<b>VINE</b> bill replaced S 1263. \$10 fine on misd and felony convictions to pay for VINE	3/1 pass house Jud Rules
	<b>L.E. Related Senate Bills</b>	
S 1251	Cell phone - makes infraction for driver to use cell phone for calls while operating vehicle. Exceptions for L.E. Fire and paramedics for official duties, exceptions for people reporting accidents, emergencies etc. And exceptions for hands free devices	1/20 printed 1/23 sent to Sen. Transport committee 3/4 No action as of
S 1252 <b>Done</b>	Texting - prohibits texting while driving with exceptions for L.E. Makes first two offenses an infraction and third a misdemeanor	1/20 printed 1/23 sent to Sen. Transport comm 2/20 No action as of

Bill #	Purpose / Summary	Status
S 1254	<b>Duty to Report injury to child.</b> Increases penalty and provides for felony for certain circumstances. Legislation is being brought by Idaho Prosecuting Attorneys Association.	1/24 printed 1/25 sent to Sen. Jud & Rules 3/4 No action as of
S 1263 Dead. Restart as House Bill 595	<b>VINE</b> - \$10 fine and all miss and felony convictions to keep VINE running in the state of Idaho. We testified in committee in support of this bill.	1/26 Printed 1/27 sent to Sen Jud & Rules 2/9 passed Jud and sent to Senate floor Passed Sen and sent to House Jud and Rules
S 1264 Dead	STD - adds chlamydia and hepatitis C to list of STD's that it is unlawful to knowingly transmit and removes chancroid	1/26 Print & sent to Sen. Jud & rules 2/20 No action as of
S 1266	Stay of execution - This amendment seeks to clarify the process of obtaining a death warrant, including specifying a time during which the warrant must be obtained, sets forth a process for obtaining successive warrants if necessary, and clarifies responsibilities if an execution does not proceed. Some language was changed to reflect federal practices.	1/26 printed and sent to Sen. Jud and Rules 2/8 passed Jud and sent to Senate floor 2/13 passed Sen 2/17 passed house Jud and Rules sent to floor
S 1272	TELEGRAPHS - Amends and repeals existing law relating to telegraphs to delete provisions relating to telegraphing and to provide that a warrant of arrest may be sent by certain processes; and repealing existing law relating to telegraphic copies of warrants and telegraphic communications.	1/31 Print in Sen. Jud & Rules 2/9 passed Jud and sent to Floor 2/14 passed senate and sent to House Jud and Rules 2/22 pass and sent to floor

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S 1274 aaH	Texting - Similar to S 1252 but every offense for texting while driving is an infraction. Still exempts L.E., Fire and Paramedics in course of their duties and allows anyone to text with hands free device. <b>Amended to take out exemption for L.E. Fire and Medics at recommendation of representatives from chiefs, sheriffs and ISP</b>	2/1 Printed in Sen. Trans comm 2/16 passed and sent to Sen floor 2/21 Passed Sen 29-6-0 2/23 House Trans 2/29 Amend
S 1275	Enable counties and cities to establish traffic safety programs, which a motorist might chose to attend in lieu of issuance of a citation for a traffic violation. Allows counties and cities to charge a fee for such programs and provides that a portion of those fees would be dedicated to the peace officer standards and training fund and to the ISTARs technology fund.	2/2 Senate print hearing 2/28 pass Jud Rules 3/1 pass Sen 31-0-3
S 1286	Bingo - Increases amount that can be spent for admin costs by those with Bingo license and regulates that 20% of gross revenue be used for charitable purposes. <b>I only bring this bill up because it is a good way for non profit and charitable organizations like FOP lodges or local associations like Boise Police Association to raise money. Money can also be used for building improvements under certain circs.</b>	2/3 Print 2/6 State Affairs 2/20 pass St Aff 2/24 Pass Sen 27-4-3 2/27 House St Affair
S 1302	Dogs - liability for dogs attacking animals and designates at-risk and dangerous dogs to provide for violations and impoundment. Makes exceptions for dogs running at large to include herding dogs, hunting dogs <b>but makes no exception for Police K-9's. Also has no exception for Police Dogs from being labeled Dangerous or At Risk Dogs. We have contacted sponsor of bill to try to make some changes. Sponsor suggested amendment but committee over ruled and sent to floor with d pass recommendation</b>	2/9 Print 2/10 Agric Affairs 2/15 passed and sent to floor 2/22 pass Sen 34-0-1 2/23 House Ag Aff

Bill #	Purpose / Summary	Status
S 1303	Cruelty to Animals - puts in place felony provision for person with 3 violations of animal cruelty 25-3504 with 15 years	2/9 Print 2/10 Agg Affairs 2/15 passed and sent to floor 2/23 pass Sen 31-1-2 2/24 House Ag Aff
S 1309	Pseudoephedrine Sales - revise maximum pseudoephedrine purchasing making it consistent with federal law, establishes electronic sales tracking for real time ability to stop illegal sales. This change will allow law enforcement access to records gathered for electronic sales tracking without having to travel from pharmacy to pharmacy. It provides pharmacies with a consistent online database only accessible by the pharmacy board, law enforcement and prosecutors.	2/10 Print 2/13 sent to health and welfare comm 2/24 pass 2/28 pass Sen 33-0-1 2/29 House Health Welfare
S 1311	Texting - Defines Texting and provides for infraction penalty to be \$100 for any violation of Title 49 chapter 6, 7, or 8 if infraction occurs while texting	2/10 Print 2/13 sent to trans comm 3/4 No action as of
S 1319	The purpose of this bill is to allow an individual to produce proof of automobile insurance by electronic means in appropriate situations in lieu of printed means.	2/14 to Sen trans comm 2/28 pass Sen 33-0-1 2/29 House Transp
S 1325	This legislation would require bail agents to collect all of the premium on the surety bail bonds they write at the time the defendant is released from custody. Usually this premium is ten percent (10%) of the face amount of the bond, plus a \$35 agent's fee and a sheriff's fee. The legislation, however, does not prohibit third party financing of the premium. It simply prevents the defendant from putting bail agents in a bidding competition against each other to see who will obtain the defendant's release on the most lenient terms. (3/2/12 FOP L.C. decided to stay neutral after request by Professional Bail Agents of Idaho to support the bill.)	2/14 to Jud and Rules 3/4 No action as of

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	<b>Joint Resolutions</b>	
Sen Joint Res 102	Constitution amedment providing the state Board Of Correction shall have control, management of adult felony prob and parole	1/23 passed Sen floor 1/26 passed House Jud comm 1/27 sent House floor 2/1 Passed House floor 65-3-2 2/7 sent to Sec of State