

IN THE SENATE

SENATE JOINT RESOLUTION NO. 103

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 17, ARTICLE I, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO WARRANTLESS ARRESTS; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Section 17, Article I, of the Constitution of the State of Idaho be amended to read as follows:

Section 17. UNREASONABLE SEARCHES AND SEIZURES PROHIBITED. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue without probable cause shown by affidavit, particularly describing the place to be searched and the person or thing to be seized. No warrantless arrest based on probable cause to believe the person committed an offense shall be deemed an unreasonable seizure solely because the offense in question was not committed in an officer's presence.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 17, Article I, of the Constitution of the State of Idaho be amended to provide that a law enforcement officer may make a warrantless arrest for an offense that takes place outside of the officer's presence if the arrest is based upon probable cause and authorized under state law?".

SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.