

# HOUSE BILL NO. 91

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**This sentence is marked with bold and underline to show added text.**

*~~This sentence is marked with strikethrough and italic, indicating text to be removed.~~*

## Bill Status

H0091.....by RESOURCES AND CONSERVATION  
 FISH AND GAME OFFICER - Amends existing law to provide that the director of the Department of Fish and Game may award a conservation officer his badge, duty weapon and handcuffs upon retirement in certain circumstances.

02/02 House intro - 1st rdg - to printing  
 02/03 Rpt prt - to Res/Con  
 02/08 Rpt out - rec d/p - to 2nd rdg  
 02/09 2nd rdg - to 3rd rdg  
 02/10 3rd rdg - PASSED - 59-10-1

AYES -- Anderson, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao,  
 Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp,  
 Lake, LeFavour, Martinez, McKague, Miller, Mitchell, Moyle, Nielsen,  
 Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch,

Sayler, Schaefer, Shepherd(2), Shirley, Skippen, Smith(30),  
Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr.

Speaker

NAYS -- Andrus, Barrett, Hart, Loertscher, Mathews, McGeachin,  
Roberts, Sali, Shepherd(8), Wood

Absent and excused -- Edmunson

Floor Sponsor - Moyle

Title apvd - to Senate

02/11 Senate intro - 1st rdg - to Res/Env

02/21 Rpt out - rec d/p - to 2nd rdg

02/22 2nd rdg - to 3rd rdg

02/24 3rd rdg - PASSED - 27-5-3

AYES -- Andreason, Bunderson, Burkett, Burtenshaw, Cameron,  
Coiner,

Compton, Corder, Darrington, Gannon, Geddes, Goedde, Hill,  
Jorgenson,

Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee,  
McKenzie,

Richardson, Schroeder, Stennett, Werk, Williams

NAYS -- Davis, Little, Pearce, Stegner, Sweet

Absent and excused -- Brandt, Broadsword, Noble

Floor Sponsor - Burtenshaw

Title apvd - to House

02/25 To enrol

02/28 Rpt enrol - Sp signed

03/01 Pres signed - To Governor

03/07 Governor signed

Session Law Chapter 33

Effective: 07/01/05

## Bill Text

]]]] LEGISLATURE OF THE STATE OF IDAHO ]]]]  
Fifty-eighth Legislature First Regular Session -  
2005

IN THE HOUSE OF REPRESENTATIVES

## HOUSE BILL NO. 91

## BY RESOURCES AND CONSERVATION COMMITTEE

1 AN ACT

2 RELATING TO FISH AND GAME CONSERVATION OFFICERS; AMENDING  
SECTION 36-1301,

3 IDAHO CODE, TO PROVIDE THAT THE DIRECTOR MAY AWARD A  
CONSERVATION OFFICER

4 HIS BADGE, DUTY WEAPON AND HANDCUFFS UPON RETIREMENT IN  
CERTAIN CIRCUM-

5 STANCES, TO REVISE DESCRIPTIVE LANGUAGE AND TO MAKE  
TECHNICAL CHANGES.

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

7 SECTION 1. That Section 36-1301, Idaho Code, be, and  
the same is hereby

8 amended to read as follows:

9 36-1301. POWER AND DUTY OF OFFICERS -- OFFICIAL BADGE --  
WHO MAY WEAR --

10 SEPARABILITY ISSUANCE UPON RETIREMENT. (a1) Authorized  
Officers. The director,

11 all conservation officers and other classified department  
employees, and all

12 sheriffs, deputy sheriffs, forest supervisors, marshals,  
police officers,

13 state forest department officers, and national forest  
rangers shall have

14 statewide jurisdiction and it is hereby made their duty to  
enforce the provi-

15 sions of the Idaho fish and game code.

16 (b2) Authority and Limitations as Peace Officers. All  
conservation offi-

17 cers who receive certification from the Idaho peace  
officer standards and

18 training advisory council shall have all the authority  
given by statute to

19 peace officers of the state of Idaho. All other  
classified employees

20 appointed by the director shall have the power of peace  
officers limited to:

21           1. **(a)** The enforcement of the provisions of title 36,  
Idaho Code, and com-  
22           mission rules and proclamations promulgated pursuant  
thereto.  
23           ~~2.~~ **(b)** The arrest of persons having domestic animals  
unlawfully in their  
24           possession.  
25           ~~3.~~ **(c)** The enforcement of the provisions of chapter 70,  
title 67, Idaho  
26           Code, provided that such authority is exercised in  
cooperation with sher-  
27           iffs of the respective counties.  
28           ~~4.~~ **(d)** Responding to express requests from other law  
enforcement agencies  
29           for aid and assistance in enforcing other laws. For  
purposes of this sec-  
30           tion, such a request from a law enforcement agency  
shall mean only a  
31           request for assistance as to a particular and singular  
violation or sus-  
32           picion of violation of law, and shall not constitute a  
continuous request  
33           for assistance outside the purview of enforcement of title  
36, Idaho Code.  
34           ~~(e)~~ **3** Additional Authority and Duties. Said officers and  
employees shall  
35           have additional peace officer power, but not constituting an  
obligation beyond  
36           their regular course of duty, relative to:  
37           ~~1.~~ **(a)** The enforcement of the provisions of title 38,  
Idaho Code (Idaho  
38           forestry act), as authorized by section 38-133, Idaho Code.  
39           ~~2.~~ **(b)** The enforcement of provisions of chapter 71, title  
67, Idaho Code.  
40           ~~3.~~ **(c)** The enforcement of the provisions of sections 18-  
3906 and 18-7031,  
41           Idaho Code, relating to littering.  
42           ~~4.~~ **(d)** The enforcement of the provisions of section 42-  
3811, Idaho Code,  
43           relating to the enforcement of certain provisions of  
chapter 38, title 42,

1 Idaho Code.

2 (~~d4~~) Official Badge -- Who May Wear. No person who is  
not at the time a

3 classified employee or conservation officer, duly authorized  
and commissioned

4 by the director, shall wear or exhibit in public an  
official badge of the

5 ~~D~~department of ~~F~~fish and ~~G~~game of the state of Idaho.

6 (5) Issuance Upon Retirement. The director may award to  
a conservation

7 officer, upon retirement, that officer's badge, duty  
weapon and handcuffs,

8 providing that a committee of three (3) of the conservation  
officer's peers

9 certifies to the director that the retiring officer has  
served meritoriously

10 for a minimum of fifteen (15) years and should therefore be so  
honored.

## Statement of Purpose / Fiscal Impact

### STATEMENT OF PURPOSE

RS 14614

This legislation provides that dedicated Idaho Conservation Officers receive their badge, handcuffs, and duty weapon upon retirement. Currently most other state law enforcement agencies do provide these items upon retirement. This is standard procedure when they have spent many years in this career path and have served the public meritoriously. Prior to receiving this honor, there will be a committee of three peers who certify that the officer has served meritoriously for at least fifteen years. It is the intent of this legislation to show our conservation officers how much the people of this state care about their service and dedication to the public.

### FISCAL NOTE

There will be an estimated cost of approximately \$2,000.00 annually from the Idaho Department of Fish and Game budget. This has no impact on the general budget.

Contact: Rep. Rich Wills

Phone: 332-1000

Rep. Mike Moyle

332-1000

STATEMENT OF PURPOSE/FISCAL NOTE

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