

LEGISLATURE OF THE STATE OF IDAHO
Sixty-second Legislature Second Regular Session - 2014

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 367

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO THE NATIONAL GUARD; AMENDING SECTION 46-604, IDAHO CODE, TO
PROVIDE CIRCUMSTANCES WHEN THE IDAHO NATIONAL GUARD AND THE IDAHO MILI-
TARY DIVISION SHALL BE DEEMED A STATE LAW ENFORCEMENT AGENCY AND TO MAKE
TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 46-604, Idaho Code, be, and the same is hereby
amended to read as follows:

46-604. COOPERATION OF MILITIA WITH CIVIL AUTHORITIES -- CALLING OUT
MILITARY FORCES. When the national guard or the organized militia shall be
ordered into the active service of the state during a state of extreme emer-
gency, or for any other cause, the commanding officer of the military person-
nel shall cooperate with the civil officers to the fullest extent, consis-
tent with the accomplishment of the object, for which the military personnel
were called; ~~to~~ The civil officials may express to the commander of the
military personnel the general or specific object which the civil officials
desire to accomplish, but the tactical direction of the military person-
nel, the kind and extent of force to be used, and the particular means to be
employed to accomplish the object specified by the civil officers are left
solely to the officers in charge of the military personnel. When authorized
or directed by the governor and to the extent authorized by 32 U.S.C. 112
and the Idaho drug interdiction and counterdrug activities plan, the Idaho
national guard counterdrug support program may assist federal and state law
enforcement agencies in interdicting the importation of controlled sub-
stances into this state. When so authorized or directed, the Idaho national
guard counterdrug support program and the Idaho military division shall be
deemed a state law enforcement agency for the purpose of participating in the
sharing of property seized or forfeited and receive property and revenues
pursuant to federal law and section 37-2744, Idaho Code. In case of any
breach of the peace, tumult, riot, resistance to process of this state, or
a state of extreme emergency, or imminent danger thereof, the sheriff of a
county may call for aid upon the commander-in-chief of the national guard.