

IN THE SENATE

SENATE BILL NO. 1173

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PREVENTION OF PUBLIC OFFENSES; AMENDING SECTION 19-202, IDAHO CODE, TO PROVIDE FOR THE DEFENSIVE DISPLAY OR DECLARATION OF A FIREARM AND TO PROVIDE THAT THE DEFENSIVE DISPLAY OR DECLARATION OF A FIREARM SHALL NOT BE REQUIRED IN CERTAIN INSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 19-202, Idaho Code, be, and the same is hereby amended to read as follows:

19-202. RESISTANCE BY THREATENED PARTY. (1) Resistance sufficient to prevent the offense may be made by the person about to be injured:

(a) To prevent an offense against his person, or his family, or some member thereof; or

(b) To prevent an illegal attempt by force to take or injure property in his lawful possession.

(2) The defensive display or declaration of a firearm by a person is justified when and to the extent a reasonable person would believe that physical force is immediately necessary to protect the person or another person against the use or attempted use of unlawful physical force, including deadly force. The provisions of this subsection do not apply to someone who intentionally provokes another person to use or attempt to use unlawful physical force or deadly physical force. For purposes of this section, "defensive display or declaration of a firearm" shall include:

(a) Verbally informing another person that the person possesses or has available a firearm; and

(b) Exposing, displaying, or placing a person's hand on a firearm while the firearm is contained in a holster, pocket, purse, or other means of containment or transport in a manner that a reasonable person would understand was meant to protect the person or another against an unlawful use or attempted use of physical force or deadly physical force.

(3) The provisions of this section do not require a defensive display or declaration of a firearm before the use of physical force or deadly physical force, or threat of physical force or deadly physical force, by a person who is otherwise justified in the use or threatened use of physical force or deadly physical force.

~~(2)~~ (4) A person acting pursuant to this section may use such degree and extent of force as would appear to be reasonably necessary to prevent the threatened injury. Reasonableness is to be judged from the viewpoint of a reasonable person placed in the same position and seeing and knowing what the person then saw and knew without the benefit of hindsight.

1           SECTION 2. An emergency existing therefor, which emergency is hereby  
2 declared to exist, this act shall be in full force and effect on and after  
3 July 1, 2023.