

MIKE HOLLINSHEAD
SHERIFF

KYLE MOORE
CHIEF DEPUTY

Office of
Sheriff, Elmore County
State of Idaho
2255 East 8th North
Mountain Home, Idaho

Phone (208) 587-2121

Fax (208) 587-2118

February 24th, 2026

Dear Senators and Representatives:

On behalf of the Elmore County Sheriff's Office, I am honored to express strong support for S1326, the Property Rights Protection Act.

The preservation of constitutional rights is not optional — it is foundational to the oath we take as law enforcement officers. The Fourth Amendment was established to protect citizens from unreasonable searches and government overreach. Yet under the Open Fields Doctrine, originating from the 1924 Supreme Court decision in *Hester v. United States*, government agents in many states claim authority to enter private property, conduct surveillance, and install cameras without a warrant, probable cause, or meaningful oversight. While courts have historically recognized this doctrine, states retain the authority to provide greater protections for their citizens. Mississippi, Montana, New York, Oregon, Vermont, and Washington have declined to recognize the Open Fields Doctrine as an exception to constitutional safeguards. Idaho should carefully consider joining them.

Without a warrant or established probable cause, government intrusion onto private land — whether through physical presence or the installation of surveillance equipment — raises serious concerns. The distinction between placing a camera inside a residence and placing one concealed on private land becomes increasingly blurred when viewed through the lens of reasonable expectation of privacy. Many would argue that citizens reasonably expect privacy on their own property, and that expectation deserves protection.

As public servants, we understand the delicate balance between effective law enforcement and the protection of individual liberties. That balance must always lean toward safeguarding constitutional rights. History has shown that unchecked authority, even when well-intentioned, can erode public trust. As Supreme Court Justice Louis Brandeis wisely stated, "If the government becomes the lawbreaker, it breeds contempt for the law."

The Open Fields Doctrine presents significant potential for abuse and undermines the very principles we are sworn to uphold. The Property Rights Protection Act would restore clarity and reinforce the requirement that government intrusion onto private land be supported by a warrant or fall within the well-established, narrow exceptions recognized by the Supreme Court.

For these reasons, the Elmore County Sheriff's Office respectfully supports S1326 and its commitment to strengthening constitutional protections for Idaho citizens.

Sincerely,



Mike Hollinshead, Sheriff