



IDAHO CHIEFS OF POLICE ASSOCIATION

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President – Chief Steve J England, Hailey Police Department
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Opposition: S1326a

Chair Crane and Members of the House State Affairs Committee:

The Idaho Chiefs of Police Association writes this letter in opposition to S1326a for a variety of reasons.

First, this bill undermines decades of well-established Fourth Amendment jurisprudence governing the relationship between private property rights and lawful government presence. Courts have historically defined the contours of concepts such as curtilage, open fields, implied license, and exigent circumstances. By attempting to statutorily redefine these doctrines, this bill inserts legislative ideology into an area of law that has long been developed through careful constitutional analysis by the courts.

Second, S1326a creates significant legal uncertainty for both law enforcement officers and the judiciary. The language of the bill conflicts with established federal and Idaho case law governing lawful entry onto property and would inevitably generate extensive litigation over the admissibility of evidence. Officers responding to calls for service, conducting investigations, or performing community caretaking functions would be forced to make split-second decisions about property boundaries and statutory exceptions that are far less clear than the constitutional standards already recognized by the courts. This will result in unnecessary suppression hearings and appellate litigation, placing additional strain on Idaho's judicial system.

Additionally, the bill exposes law enforcement officers and other public officials to personal civil liability for actions taken in good faith while performing their sworn duties. Officers responding to emergencies, investigating crimes, or conducting lawful inquiries should not be placed in a position where unclear statutory language subjects them to personal lawsuits despite acting within well-established constitutional authority.

From a practical standpoint, this legislation also significantly interferes with the work of specialized enforcement officers across the state. Idaho Fish and Game conservation officers rely on the long-recognized open fields doctrine to investigate poaching and other wildlife crimes occurring far from residences or traditional curtilage areas. If enacted, this bill would severely limit their ability to protect Idaho's wildlife resources and enforce hunting and fishing laws in rural and remote areas.

Similarly, Idaho Brand Inspectors routinely operate in agricultural areas where livestock move between private and public lands. Their work requires the ability to verify livestock ownership and prevent theft in areas where fencing, grazing allotments, and property lines frequently intersect. The restrictions created by S1326a would significantly hinder these longstanding enforcement practices that Idaho's agricultural community relies upon.

Finally, Idaho has historically enjoyed a strong cooperative relationship between landowners, farmers, ranchers, and law enforcement. Officers regularly work with rural property owners to address theft, trespassing, wildlife violations, and public safety concerns. By criminalizing routine and constitutionally permissible investigative practices, this legislation risks creating unnecessary conflict between landowners and the very officers tasked with protecting their property and communities. It also raises officer safety concerns by increasing uncertainty during lawful investigations in remote areas.

In short, S1326a does not clarify constitutional protections - those protections are already well defined by decades of judicial precedent. Instead, it introduces confusion, exposes officers to civil liability, interferes with wildlife and agricultural enforcement, and invites extensive litigation. For these reasons, the Idaho Chiefs of Police Association respectfully urge you to reject S1326a.

Respectfully,



Steve J England,
Hailey Police Chief
ICOPA President