

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 679

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO DEFENSE OF SELF OR OTHERS, MOTOR VEHICLES, AND PUBLIC ASSEMBLIES ON ROADS; AMENDING SECTION 19-202A, IDAHO CODE, TO REVISE A PROVISION REGARDING DEFENSE OF SELF OR OTHERS AND TO PROVIDE FOR OPERATORS OF A MOTOR VEHICLE; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 34, TITLE 67, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING PUBLIC ASSEMBLIES ON ROADS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

19-202A. DEFENSE OF SELF, OTHERS AND CERTAIN PLACES. (1) No person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting himself or ~~his family~~ others by reasonable means necessary, or when coming to the aid of another whom he reasonably believes to be in imminent danger of or the victim of aggravated assault, robbery, rape, murder or other heinous crime.

(2) The defense of self or of another does not require a person to wait until he or she ascertains whether the danger is apparent or real. A person confronted with such danger has a clear right to act upon appearances such as would influence the action of a reasonable person.

(3) In the exercise of the right of self-defense or defense of another, a person need not retreat from any place that person has a right to be. A person may stand his ground and defend himself or another person by the use of all force and means which would appear to be necessary to a reasonable person in a similar situation and with similar knowledge without the benefit of hindsight. The provisions of this subsection shall not apply to a person incarcerated in jail or prison facilities when interacting with jail or prison staff who are acting in their official capacities.

(4) In exercising the right of self-defense or defense of another, a motor vehicle operator shall have no criminal liability for injuries to, death of, or damage to property of any person the operator reasonably believes is attempting, or is aiding and abetting an attempt, to commit aggravated assault, robbery, rape, kidnapping, murder, or other heinous crime on the operator or any occupants of the vehicle. The operator in such a situation may use the vehicle as a means of defense and escape in any way that would appear to be necessary to a reasonable person in a similar situation and with similar knowledge without the benefit of hindsight.

~~(4)~~ (5) In any prosecution for the unlawful use of force, including deadly force, or the attempted or threatened use of force contrary to title 18, Idaho Code, the burden is on the prosecution to prove beyond a reasonable

1 doubt that the use of force, attempted use of force or threat to use force was
2 not justifiable.

3 ~~(5)~~ (6) A person using force or deadly force in defense of a habitation,
4 place of business or employment or occupied vehicle as defined in section
5 18-4009(3), Idaho Code, is presumed to have acted reasonably and had a rea-
6 sonable fear of imminent peril of death or serious bodily injury if the force
7 is used against a person whose entry or attempted entry therein is unlaw-
8 ful and is made or attempted by use of force, or in a violent and tumultuous
9 manner, or surreptitiously or by stealth, or for the purpose of committing a
10 felony.

11 SECTION 2. That Title 67, Idaho Code, be, and the same is hereby amended
12 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
13 ter 34, Title 67, Idaho Code, and to read as follows:

14 CHAPTER 34
15 PUBLIC ASSEMBLIES ON ROADS

16 67-3401. LEGISLATIVE PURPOSE AND INTENT. The legislature affirms that
17 the right of the public to peacefully assemble is among the most fundamen-
18 tal of all rights and necessary in a free society. At the same time, the
19 legislature recognizes that assemblies on roads, especially high-traffic
20 or high-speed roads, may create safety hazards both for those assembling
21 and for other users of the road. In enacting this chapter, the legislature
22 intends to protect public safety while upholding the importance of public
23 roads as a traditional forum for public assembly.

24 67-3402. DEFINITIONS. As used in this chapter:

25 (1) "Public assembly" means a group of persons organized and united for
26 a common purpose in a public setting.

27 (2) "Public entity" means the state of Idaho or any political subdi-
28 vision thereof, including all boards, commissions, agencies, institutions,
29 authorities, and bodies corporate and politic of the state, created by or in
30 accordance with state law or regulations.

31 (3) "Public street" or "highway" is as described in section 49-109(4),
32 Idaho Code.

33 (4) "Spontaneous assembly" means a public assembly on or alongside a
34 public road for which a permit was not issued in accordance with a policy
35 adopted pursuant to the provisions of this chapter.

36 (5) "Traffic" is as defined in section 49-121, Idaho Code.

37 67-3403. PERMIT POLICY. (1) Each public entity with authority to close
38 public streets or highways shall establish a policy under which a person may
39 apply for a permit to close a public street or highway for the purpose of a
40 public assembly.

41 (2) A policy adopted pursuant to this section may establish reasonable
42 time, place, and manner restrictions on road closures but may not discrimi-
43 nate based on the purpose of the public assembly or the viewpoint of a permit
44 applicant, except as provided in subsections (3) and (4) of this section.

45 (3) A public entity may inquire as to the purpose or nature of a public
46 assembly to determine:

1 (a) Whether an assembly would be unlawful for purposes of chapter 64,
2 title 18, Idaho Code; and

3 (b) Whether peace officers may need to be present to protect the safety
4 of assembly participants or to preserve public order.

5 (4) Nothing in this section shall be construed to:

6 (a) Require a public entity to provide a permit for an unlawful assem-
7 bly;

8 (b) Prevent a public entity with authority to do so from dispersing an
9 unlawful assembly; or

10 (c) Prevent a public entity with authority to do so from detaining, ar-
11 resting, or prosecuting participants in an unlawful assembly.

12 67-3404. SPONTANEOUS ASSEMBLIES. A policy adopted pursuant to section
13 67-3403, Idaho Code, shall provide that participants in spontaneous assem-
14 blies:

15 (1) May not block or otherwise obstruct traffic; and

16 (2) Shall comply with all applicable laws, ordinances, and regulations
17 for persons on or alongside a public road.

18 67-3405. PENALTIES. (1) A participant in a public assembly who fails
19 to comply with the terms of a permit shall be guilty of a misdemeanor punish-
20 able by imprisonment in the county jail for up to six (6) months, a fine of up
21 to one thousand dollars (\$1,000), or both such imprisonment and fine.

22 (2) A participant in a spontaneous assembly who fails to comply with an
23 applicable law, ordinance, or regulation for persons on or alongside a pub-
24 lic street or highway shall, in addition to any other penalty prescribed by
25 law, ordinance, or regulation, be guilty of a misdemeanor punishable by a
26 fine of up to one thousand dollars (\$1,000).

27 SECTION 3. An emergency existing therefor, which emergency is hereby
28 declared to exist, this act shall be in full force and effect on and after
29 July 1, 2026.