

IN THE SENATE

SENATE BILL NO. 1295

BY STATE AFFAIRS COMMITTEE

1 AN ACT
2 RELATING TO THE PREVENTION OF PUBLIC OFFENSES; AMENDING SECTION 19-202,
3 IDAHO CODE, TO REVISE PROVISIONS REGARDING RESISTANCE BY A THREATENED
4 PARTY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

8 19-202. RESISTANCE BY THREATENED PARTY. (1) Resistance sufficient to
9 prevent the offense may be made by the person about to be injured:

- 10 (a) To prevent an offense against his person, or his family, or some
11 member thereof; or
12 (b) To prevent an illegal attempt by force to take or injure property in
13 his lawful possession.

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

- 22 (a) Verbally informing another person that the person possesses or has
23 available a firearm; and
24 (b) Exposing, or displaying, or placing a person's hand on a firearm
25 ~~while the firearm is contained in a holster, pocket, purse, or other~~
26 ~~means of containment or transport in a manner that a reasonable person~~
27 ~~would understand was meant to protect the person or another against~~
28 ~~an unlawful use or attempted use of physical force or deadly physical~~
29 ~~force. a firearm outside of its container or holster; and~~
30 (c) Placing a person's hand on a firearm while the firearm is contained
31 in a holster, pocket, purse, or other means of containment or transport
32 in a manner that a reasonable person would understand was meant to pro-
33 tect the person or another against an unlawful use or attempted use of
34 physical force or deadly physical force.

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

40 (4) A person acting pursuant to this section may use such degree and
41 extent of force as would appear to be reasonably necessary to prevent the
42 threatened injury. Reasonableness is to be judged from the viewpoint of a

1 reasonable person placed in the same position and seeing and knowing what the
2 person then saw and knew without the benefit of hindsight.

3 SECTION 2. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after
5 July 1, 2026.