

ORDINANCE NO. 4567

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL, AMENDING TITLE 6, CHAPTER 1, OF THE NAMPA CITY CODE, ADDING A NEW SUB-SECTION (6) TO BE IDENTIFIED AS 6-1-6 PERTAINING TO TEMPORARY DETENTION BY A PEACE OFFICER FOR IDENTIFICATION PURPOSES; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF IN CONFLICT HEREWITH, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of Nampa, County of Canyon, State of Idaho:

Section 1. That Title 6, Chapter 1, be amended to add a *NEW* subsection (6), identified as 6-1-6, of the Nampa City Code, be amended as follows:

6-1-6: STOP AND IDENTIFY:

A. Temporary Detention by Peace Officer of Person Suspected of Criminal Behavior or Infraction Violations for purpose of Identification.

a. Any peace officer may detain any person whom the officer encounters under circumstances that reasonably indicate that the person has committed, is committing, or is about to commit a misdemeanor, felony, or infraction.

i. The officer may detain the person according to this section only to ascertain the person's identity and the suspicious circumstances surrounding the person's presence abroad. Any person so detained shall identify himself or herself but may not be compelled to answer any other inquiry of any peace officer.

ii. A person must not be detained longer than is reasonably necessary to effect the purposes of this section. The detention must not extend beyond the place or the immediate vicinity of the place where the detention was first effected unless the person is arrested.

b. Penalties

i. It shall be a misdemeanor for a person who refuses to identify themselves according to the provisions of this chapter.

ii. Any person found guilty of a misdemeanor as described and prohibited in this chapter shall be punished as provided for in Idaho Code §18-113.

Section 2. This ordinance shall be in full force and effect from and after May 1, 2021.

Section 3. This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

Section 4. All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS 19TH DAY OF APRIL, 2021.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS 19TH DAY OF APRIL, 2021.

Approved:

Debbie Kling, Mayor

Attest:

City Clerk, or Deputy