

## **SUMMARY STATEMENT**

*State v. Amstad*, Docket No. 45707

This appeal concerns the interpretation of Idaho Code section 37-2732. The State charged Daniel C. Amstad with violating section 37-2732 for “being present at or on premises of any place where he knows illegal controlled substances are being manufactured or cultivated, or are being held . . . .” Amstad moved to dismiss on the basis that he was in a vehicle, so his conduct did not fall within the statute. The magistrate court granted the motion and dismissed the case. The State appealed and the district court affirmed, holding that “premises” and “place” under section 37-2732 do not include a parked vehicle.

The Idaho Supreme Court reversed and remanded, holding that the district court erred when it found that Amstad’s presence in a vehicle precluded liability under section 37-2732. Because a vehicle can be at or on premises of a place, the Court held that a person within a vehicle is also capable of being at or on premises of a place.