

## AMENDED SUMMARY STATEMENT

*Reagan v. IDT*  
Docket No. 47865

This appeal addresses whether our holding in *State v. Clarke*, 165 Idaho 393, 446 P.3d 451 (2019) also applies to Idaho Code section 49-1405(1)(b). *Clarke* held that a warrant is required for a misdemeanor arrest where the misdemeanor was completed outside the presence of the officer. Here, the Idaho Transportation Department (“ITD”) appealed a district court’s decision to overturn ITD’s one-year suspension of Jasmine Reagan’s (“Reagan”) driving privileges under Idaho Code section 18- 8002A. The officer arrested Reagan and then administered a breathalyzer. The district court reasoned that, because the arresting officer did not witness Reagan operating or in control of a vehicle, the officer needed a warrant for the arrest; therefore, the results of the blood alcohol test were obtained pursuant to an unlawful arrest and could not be used to suspend Reagan’s license. The Idaho Supreme Court held that Idaho Code section 49-1405(1)(b) violates the Idaho Constitution. Accordingly, the Idaho Supreme Court affirmed the decision of the district court to overturn ITD’s suspension of Reagan’s driver’s license.

\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\*