

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 298

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CRIMES AND PUNISHMENT; AMENDING SECTION 18-5601, IDAHO CODE, TO  
2 REVISE A PROVISION REGARDING INTERSTATE TRAFFICKING IN PROSTITUTION  
3 AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 18-5606, IDAHO  
4 CODE, RELATING TO ACCEPTING EARNINGS OF A PROSTITUTE; AMENDING CHAPTER  
5 56, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-5606, IDAHO  
6 CODE, TO PROVIDE FOR THE CRIME OF RECEIVING PROCEEDS OF ILLEGAL SEXUAL  
7 ACTIVITY, TO PROVIDE A PENALTY, TO DEFINE TERMS, AND TO PROVIDE THAT  
8 CERTAIN PERSONS SHALL NOT BE CRIMINALLY LIABLE; AMENDING CHAPTER 86,  
9 TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8605, IDAHO  
10 CODE, TO PROVIDE FOR HUMAN TRAFFICKING VICTIM PROTECTION; AND DECLARING  
11 AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
12

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

14 SECTION 1. That Section 18-5601, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 18-5601. INTERSTATE TRAFFICKING IN PROSTITUTION. Any person who im-  
17 ports a person or persons into this state, or who exports a person or per-  
18 sons from this state, for the purpose of prostitution, or any person who in-  
19 duces, entices, or procures such activity, shall be guilty of a felony pun-  
20 ishable by imprisonment for a period of ~~not less than two (2) years nor not~~  
21 more than twenty (20) years, or by a fine of not less than one thousand dol-  
22 lars (\$1,000), nor more than fifty thousand dollars (\$50,000), or by both  
23 such fine and imprisonment.

24 SECTION 2. That Section 18-5606, Idaho Code, be, and the same is hereby  
25 repealed.

26 SECTION 3. That Chapter 56, Title 18, Idaho Code, be, and the same is  
27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
28 ignated as Section 18-5606, Idaho Code, and to read as follows:

29 18-5606. RECEIVING PROCEEDS OF ILLEGAL SEXUAL ACTIVITY. (1) Any per-  
30 son who knowingly receives or accepts any proceeds, or the benefits of such  
31 proceeds, derived from another person engaging in sexual contact shall be  
32 guilty of a felony punishable by imprisonment for a period of not more than  
33 twenty (20) years, or by a fine of not more than fifty thousand dollars  
34 (\$50,000), or by both such fine and imprisonment.

35 (2) As used in this section:

36 (a) "Benefits of such proceeds" includes but is not limited to any real  
37 or personal property obtained with or by use of proceeds as defined in  
38 this subsection; any debt, rent, or other contractual obligation paid  
39 with proceeds as defined in this subsection; and any service obtained in  
40 exchange for proceeds as defined in this subsection.

1 (b) "Proceeds" means any money services, item or real or personal prop-  
2 erty, contraband, or thing of value paid or exchanged for sexual con-  
3 tact.

4 (c) "Sexual contact" means any touching of the sexual organs or other  
5 intimate body parts of another person for the purpose of arousing or  
6 gratifying the sexual desire of either party, including but not limited  
7 to sexual intercourse, oral-genital contact, manual genital contact,  
8 genital-anal contact, oral-anal contact, and other physical-genital  
9 contact.

10 (3) The person who provides sexual contact in exchange for proceeds, as  
11 set forth in subsection (1) of this section, and such person's minor children  
12 or legal dependents incapable of self-support shall not be criminally liable  
13 pursuant to this section.

14 SECTION 4. That Chapter 86, Title 18, Idaho Code, be, and the same is  
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
16 ignated as Section 18-8605, Idaho Code, and to read as follows:

17 18-8605. HUMAN TRAFFICKING VICTIM PROTECTION. (1) The attorney gen-  
18 eral shall, not later than January 1, 2024, issue a report outlining how  
19 existing state criminal laws protect or fail to protect human trafficking  
20 victims and recommending areas of improvement and modifications in existing  
21 laws and rules.

22 (2) The department of health and welfare, in consultation with the at-  
23 torney general, shall, not later than January 1, 2024, issue and deliver a  
24 report to the germane committees of the Idaho legislature outlining how ex-  
25 isting social service programs respond or fail to respond to the needs of  
26 human trafficking victims and the interplay of such existing programs with  
27 federally funded victim service programs and suggesting areas of improve-  
28 ment or modification. Such inquiry shall include but not be limited to the  
29 ability of state programs and licensing bodies to recognize federal nonimmi-  
30 grant status for the purpose of benefits, programs, and licenses.

31 SECTION 5. An emergency existing therefor, which emergency is hereby  
32 declared to exist, this act shall be in full force and effect thirty days fol-  
33 lowing signature by the Governor.