

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 459

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO SEX CRIMES; AMENDING SECTION 18-6608, IDAHO CODE, TO ESTABLISH
ADDITIONAL PROVISIONS RELATING TO FORCIBLE SEXUAL PENETRATION BY USE OF
A FOREIGN OBJECT.

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

SECTION 1. That Section 18-6608, Idaho Code, be, and the same is hereby
amended to read as follows:

18-6608. FORCIBLE SEXUAL PENETRATION BY USE OF FOREIGN OBJECT. Every
person who, for the purpose of sexual arousal, gratification or abuse,
causes the penetration, however slight, of the genital or anal opening of
another person, by any object, instrument or device:

(1) ~~a~~Against the victim's will by:

(a) ~~u~~Use of force or violence; or

(b) ~~by d~~Duress; or

(c) ~~by t~~Threats of immediate and great bodily harm, accompanied by ap-
parent power of execution; or

(2) ~~w~~Where the victim is incapable, through any unsoundness of mind,
whether temporary or permanent, of giving legal consent; or

(3) ~~w~~Where the victim is prevented from resistance by any intoxicating,
narcotic or anesthetic substance; or

(4) Where the victim is at the time unconscious of the nature of the act
because the victim:

(a) Was unconscious or asleep; or

(b) Was not aware, knowing, perceiving or cognizant that the act oc-
curred

shall be guilty of a felony and shall be punished by imprisonment in the state
prison for not more than life.