

IN THE SENATE

SENATE BILL NO. 1003, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO HUMAN TRAFFICKING; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 18-8606, IDAHO CODE, TO PROVIDE FOR DIVER-
3 SION FOR A MINOR VICTIM OF HUMAN TRAFFICKING, TO PROVIDE CERTAIN CONDI-
4 TIONS FOR DIVERSION, AND TO PROVIDE AN AFFIRMATIVE DEFENSE.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Chapter 86, Title 18, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 18-8606, Idaho Code, and to read as follows:

10 18-8606. SAFE HARBOR PROVISIONS. (1) Diversion of minor victim.

11 (a) When a minor is alleged to have committed any offense not listed in
12 section 18-310(2), Idaho Code, a prosecutor shall divert the offense if
13 the minor committed the offense as a direct and immediate result of be-
14 ing a victim of human trafficking.

15 (b) If a minor has an offense diverted pursuant to paragraph (a) of this
16 subsection, the minor shall be placed in a state-licensed residential
17 facility, as defined in section 39-1202, Idaho Code, that provides a
18 comprehensive rehabilitative program with access to:

19 (i) Comprehensive case management;

20 (ii) Integrated mental health and chemical dependency services,
21 including specialized trauma recovery services;

22 (iii) Education and employment training services; and

23 (iv) Off-site specialized services, as appropriate.

24 (c) A diversion agreement under this subsection may extend for up to
25 twelve (12) months.

26 (d) Diversion shall only be available pursuant to this section if the
27 minor expresses a willingness to cooperate and receive specialized
28 services. If the minor is unwilling to cooperate with specialized ser-
29 vices, continuation of the diversion shall be at the discretion of the
30 court.

31 (2) A person charged with any offense not identified in section
32 18-310(2), Idaho Code, committed as a direct and immediate result of being
33 a victim of human trafficking may assert an affirmative defense that the
34 person is a victim of human trafficking.