

IN THE SENATE

SENATE BILL NO. 1023

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO ASSAULT AND BATTERY; AMENDING SECTION 18-915, IDAHO CODE, TO
2 PROVIDE FOR CERTAIN EMPLOYEES OF THE DEPARTMENT OF PARKS AND RECRE-
3 ATION.
4

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

6 SECTION 1. That Section 18-915, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 18-915. ASSAULT OR BATTERY UPON CERTAIN PERSONNEL -- PUNISHMENT. (1)
9 Any person who commits a crime provided for in this chapter against or upon
10 a justice, judge, magistrate, prosecuting attorney, public defender, peace
11 officer, bailiff, marshal, sheriff, police officer, peace officer standards
12 and training employee involved in peace officer decertification activi-
13 ties, emergency services dispatcher, correctional officer, employee of the
14 department of correction, employee of a private prison contractor while em-
15 ployed at a private correctional facility in the state of Idaho, employees
16 of the department of water resources authorized to enforce the provisions
17 of chapter 38, title 42, Idaho Code, employees of the department of parks
18 and recreation authorized to enforce the provisions of chapter 42, title
19 67, Idaho Code, jailer, parole officer, misdemeanor probation officer, of-
20 ficer of the Idaho state police, fireman, social caseworkers or social work
21 specialists of the department of health and welfare, employee of a state
22 secure confinement facility for juveniles, employee of a juvenile detention
23 facility, a teacher at a detention facility or a juvenile probation officer,
24 emergency medical services personnel licensed under the provisions of chap-
25 ter 10, title 56, Idaho Code, a member, employee or agent of the state tax
26 commission, United States marshal, or federally commissioned law enforce-
27 ment officer or their deputies or agents and the perpetrator knows or has
28 reason to know of the victim's status, the punishment shall be as follows:

29 (a) For committing battery with intent to commit a serious felony the
30 punishment shall be imprisonment in the state prison not to exceed
31 twenty-five (25) years.

32 (b) For committing any other crime in this chapter the punishment shall
33 be doubled that provided in the respective section, except as provided
34 in subsections (2) and (3) of this section.

35 (2) For committing a violation of the provisions of section 18-901 or
36 18-903, Idaho Code, against the person of a former or present justice, judge
37 or magistrate, jailer or correctional officer or other staff of the depart-
38 ment of correction, or of a county jail, or of a private correctional facil-
39 ity, or of an employee of a state secure confinement facility for juveniles,
40 an employee of a juvenile detention facility, a teacher at a detention facil-
41 ity, misdemeanor probation officer or a juvenile probation officer:

1 (a) Because of the exercise of official duties or because of the vic-
2 tim's former or present official status; or

3 (b) While the victim is engaged in the performance of his duties and the
4 person committing the offense knows or reasonably should know that such
5 victim is a justice, judge or magistrate, jailer or correctional offi-
6 cer or other staff of the department of correction, or of a private cor-
7 rectional facility, an employee of a state secure confinement facility
8 for juveniles, an employee of a juvenile detention facility, a teacher
9 at a detention facility, misdemeanor probation officer or a juvenile
10 probation officer;

11 the offense shall be a felony punishable by imprisonment in a correctional
12 facility for a period of not more than five (5) years, and said sentence shall
13 be served consecutively to any sentence being currently served.

14 (3) For committing a violation of the provisions of section 18-903,
15 Idaho Code, except unlawful touching as described in section 18-903(b),
16 Idaho Code, against the person of a former or present peace officer, sheriff
17 or police officer:

18 (a) Because of the exercise of official duty or because of the victim's
19 former or present official status; or

20 (b) While the victim is engaged in the performance of his duties and the
21 person committing the offense knows or reasonably should know that such
22 victim is a peace officer, sheriff or police officer;

23 the offense shall be a felony punishable by imprisonment in a correctional
24 facility for a period of not more than five (5) years, and said sentence shall
25 be served consecutively to any sentence being currently served.