

IN THE SENATE

SENATE BILL NO. 1154

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE SEXUAL OFFENDER REGISTRATION NOTIFICATION AND COMMUNITY  
2 RIGHT-TO-KNOW ACT; AMENDING SECTION 18-8302, IDAHO CODE, TO REVISE PRO-  
3 VISIONS RELATING TO LEGISLATIVE FINDINGS; AMENDING SECTION 18-8303,  
4 IDAHO CODE, TO DEFINE TERMS, TO REVISE DEFINITIONS AND TO REMOVE DEF-  
5 INITIONS; AMENDING SECTION 18-8304, IDAHO CODE, TO REVISE PROVISIONS  
6 RELATING TO THE APPLICATION OF A CERTAIN CHAPTER AND TO PROVIDE A CER-  
7 TAIN DEPARTMENT WITH RULEMAKING AUTHORITY; AMENDING SECTION 18-8305,  
8 IDAHO CODE, TO REMOVE AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO  
9 A CENTRAL SEXUAL OFFENDER REGISTRY AND NOTICE REQUIREMENTS RELATING TO  
10 SUCH REGISTRY; AMENDING SECTION 18-8306, IDAHO CODE, TO REVISE AND TO  
11 PROVIDE ADDITIONAL PROVISIONS RELATING TO NOTICE OF THE DUTY TO REGIS-  
12 TER AND CERTAIN REGISTRATION REQUIREMENTS; AMENDING SECTION 18-8307,  
13 IDAHO CODE, TO REVISE PROVISIONS RELATING TO REGISTRATION REQUIREMENTS  
14 FOR CERTAIN OFFENDERS; AMENDING SECTION 18-8308, IDAHO CODE, TO REMOVE  
15 PROVISIONS RELATING TO VERIFYING THE ADDRESSES OF AND ELECTRONIC MON-  
16 ITORING OF VIOLENT SEXUAL PREDATORS AND TO REVISE PROVISIONS RELATING  
17 TO VERIFYING ADDRESSES OF SEXUAL OFFENDERS; REPEALING SECTION 18-8309,  
18 IDAHO CODE, RELATING TO A CHANGE OF ADDRESS OR NAME; AMENDING CHAPTER  
19 83, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8309,  
20 IDAHO CODE, TO PROVIDE A DUTY TO UPDATE CERTAIN REGISTRATION INFORMA-  
21 TION AND TO PROVIDE REQUIREMENTS RELATED TO SUCH DUTY; AMENDING SECTION  
22 18-8310, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RELEASE FROM  
23 REGISTRATION REQUIREMENTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING  
24 SECTION 18-8311, IDAHO CODE, TO REVISE PENALTY PROVISIONS AND TO REMOVE  
25 A CERTAIN PENALTY PROVISION; AMENDING SECTION 18-8312, IDAHO CODE, TO  
26 REVISE PROVISIONS RELATING TO THE SEXUAL OFFENDER MANAGEMENT BOARD AND  
27 SUCH BOARD MEMBERS; AMENDING SECTION 18-8314, IDAHO CODE, TO REMOVE AND  
28 TO PROVIDE ADDITIONAL PROVISIONS RELATING TO THE POWERS AND DUTIES OF  
29 THE SEXUAL OFFENDER MANAGEMENT BOARD; AMENDING SECTION 18-8315, IDAHO  
30 CODE, TO REMOVE REQUIREMENTS RELATING TO CERTAIN MEETINGS AND RECORDS  
31 OF THE SEXUAL OFFENDER MANAGEMENT BOARD AND TO REMOVE PROVISIONS RE-  
32 LATING TO EXECUTIVE SESSIONS; AMENDING SECTION 18-8316, IDAHO CODE,  
33 TO PROVIDE THAT IF ORDERED BY THE COURT, A CERTAIN OFFENDER MAY SUBMIT  
34 TO A CERTAIN EVALUATION, TO REVISE THE NAME OF A CERTAIN BOARD AND TO  
35 REMOVE PROVISIONS RELATING TO A VIOLENT SEXUAL PREDATOR; REPEALING  
36 SECTION 18-8317, IDAHO CODE, RELATING TO THE REQUIREMENT FOR PSYCHO-  
37 SEXUAL EVALUATIONS; AMENDING SECTION 18-8318, IDAHO CODE, TO REMOVE  
38 PROVISIONS RELATING TO PAYMENT FOR CERTAIN EVALUATIONS BY THE DEPART-  
39 MENT OF CORRECTION; REPEALING SECTION 18-8319, IDAHO CODE, RELATING TO  
40 NOTICE OF THE BOARD'S DETERMINATION; REPEALING SECTION 18-8320, IDAHO  
41 CODE, RELATING TO EXCEPTIONS TO NOTICE OF THE BOARD'S CLASSIFICATION  
42 DETERMINATION OF AN OFFENDER; REPEALING SECTION 18-8321, IDAHO CODE,  
43 RELATING TO JUDICIAL REVIEW; REPEALING SECTION 18-8322, IDAHO CODE,  
44 RELATING TO VIOLENT SEXUAL PREDATORS MOVING FROM OTHER STATES; AMEND-  
45

1           ING SECTION 18-8323, IDAHO CODE, TO REMOVE AND TO PROVIDE ADDITIONAL  
2           PROVISIONS RELATING TO PUBLIC ACCESS TO SEXUAL OFFENDER REGISTRY IN-  
3           FORMATION; AMENDING SECTION 18-8324, IDAHO CODE, TO REMOVE, TO REVISE  
4           AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO THE DISSEMINATION OF  
5           REGISTRY INFORMATION; AMENDING SECTION 9-340B, IDAHO CODE, TO REMOVE A  
6           CODE REFERENCE; AMENDING SECTION 19-2520G, IDAHO CODE, TO REMOVE PRO-  
7           VISIONS RELATING TO A MANDATORY MINIMUM TERM OF CONFINEMENT OF CERTAIN  
8           VIOLENT SEXUAL PREDATORS; AMENDING SECTION 20-219, IDAHO CODE, TO RE-  
9           MOVE PROVISIONS RELATING TO THE MONITORING OF VIOLENT SEXUAL PREDATORS;  
10          AND AMENDING SECTION 67-2345, IDAHO CODE, TO REMOVE PROVISIONS RELATING  
11          TO THE SEXUAL OFFENDER CLASSIFICATION BOARD.

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

13           SECTION 1. That Section 18-8302, Idaho Code, be, and the same is hereby  
14          amended to read as follows:

15           18-8302. FINDINGS. The legislature finds that sexual offenders  
16          present a ~~significant risk of reoffense~~ danger and that efforts of law en-  
17          forcement agencies to protect their communities, conduct investigations  
18          and quickly apprehend offenders who commit sexual offenses are impaired by  
19          the lack of current information available about individuals who have been  
20          convicted of sexual offenses who live within their jurisdiction. The leg-  
21          islature further finds that providing public access to certain information  
22          about convicted sexual offenders assists parents in the protection of their  
23          children. Such access further provides a means for organizations that work  
24          with youth or other vulnerable populations to prevent sexual offenders  
25          from threatening those served by the organizations. Finally, public access  
26          assists the community in being observant of convicted sexual offenders in  
27          order to prevent them from recommitting sexual crimes. Therefore, this  
28          state's policy is to assist efforts of local law enforcement agencies to  
29          protect communities by requiring sexual offenders to register with local law  
30          enforcement agencies and to make certain information about sexual offenders  
31          available to the public as provided in this chapter.

32           SECTION 2. That Section 18-8303, Idaho Code, be, and the same is hereby  
33          amended to read as follows:

34           18-8303. DEFINITIONS. As used in this chapter:

35           (1) "Aggravated offense" means any of the following crimes: 18-1506A  
36          (ritualized abuse of a child); 18-1508 (lewd conduct); 18-4003(d) (murder  
37          committed in the perpetration of rape); 18-4502 (first-degree kidnapping  
38          committed for the purpose of rape, committing an infamous crime against na-  
39          ture, committing any lewd and lascivious act upon any child under the age of  
40          sixteen years or for purposes of sexual gratification or arousal); 18-4503  
41          (second degree kidnapping where the victim is an unrelated minor child and  
42          the kidnapping is committed for the purpose of rape, committing an infamous  
43          crime against nature, committing any lewd and lascivious act upon any child  
44          under the age of sixteen years or for purposes of sexual gratification or  
45          arousal); 18-6101 (rape, but excluding section 18-6101(1) where the victim  
46          is at least twelve years of age or the defendant is eighteen years of age);

1 18-6108 (male rape, but excluding section 18-6108(1) where the victim is at  
2 least twelve years of age or the defendant is eighteen years of age); 18-6608  
3 (forcible sexual penetration by use of a foreign object); 18-8602(1) (sex  
4 trafficking); and any other offense set forth in section 18-8304, Idaho  
5 Code, if at the time of the commission of the offense the victim was below the  
6 age of thirteen years or an offense that is substantially similar to any of  
7 the foregoing offenses under the laws of another jurisdiction or military  
8 court or the court of another country.

9 (2) "Board" means the sexual offender ~~classification~~ management board  
10 described in section 18-8312, Idaho Code.

11 (3) "Central registry" means the registry of convicted sexual offend-  
12 ers maintained by the Idaho state police pursuant to this chapter.

13 (4) "Certified evaluator" means either a psychiatrist licensed by this  
14 state pursuant to chapter 18, title 54, Idaho Code, or a master's or doctoral  
15 level mental health professional licensed by this state pursuant to chap-  
16 ter 23, chapter 32, or chapter 34, title 54, Idaho Code. Such person shall  
17 have by education, experience and training, expertise in the assessment and  
18 treatment of sexual offenders, and such person shall meet the qualifications  
19 and shall be approved by the board to perform psychosexual evaluations in  
20 this state, as described in section 18-8314, Idaho Code.

21 (5) "Department" means the Idaho state police.

22 (6) "Employed" means full-time or part-time employment exceeding ten  
23 (10) consecutive working days or for an aggregate period exceeding thirty  
24 (30) days in any calendar year, or any employment which involves counseling,  
25 coaching, teaching, supervising or working with minors in any way regardless  
26 of the period of employment, whether such employment is financially compen-  
27 sated, volunteered or performed for the purpose of any government or educa-  
28 tion benefit.

29 (7) "Foreign conviction" means a conviction under the laws of Canada,  
30 Great Britain, Australia or New Zealand or a conviction under the laws of any  
31 foreign country deemed by the U.S. department of state, in its country re-  
32 ports on human rights practices, to have been obtained with sufficient safe-  
33 guards for fundamental fairness and due process.

34 (8) "Incarceration" means committed to the custody of the Idaho de-  
35 partment of correction or department of juvenile corrections, but excluding  
36 cases where the court has retained jurisdiction.

37 (9) "Jurisdiction" means any of the following: a state, the District of  
38 Columbia, the commonwealth of Puerto Rico, Guam, American Samoa, the North-  
39 ern Mariana Islands, the United States Virgin Islands, the federal govern-  
40 ment or a federally recognized Indian tribe.

41 (10) "Minor" means an individual who has not attained the age of eigh-  
42 teen (18) years.

43 (§11) "Offender" means an individual convicted of an offense listed and  
44 described in section 18-8304, Idaho Code, or a substantially similar offense  
45 under the laws of another ~~state or in a federal, tribal jurisdiction~~ or mil-  
46 itary court or the court of another country deemed by the U.S. department of  
47 state, in its country reports on human rights practices, to have sufficient  
48 safeguards for fundamental fairness and due process.

49 (§12) "Offense" means a sexual offense listed in section 18-8304, Idaho  
50 Code.

1 ~~(10) "Predatory" means actions directed at an individual who was se-~~  
 2 ~~lected by the offender for the primary purpose of engaging in illegal sexual~~  
 3 ~~behavior.~~

4 (113) "Psychosexual evaluation" means an evaluation which specifically  
 5 addresses sexual development, sexual deviancy, sexual history and risk of  
 6 reoffense as part of a comprehensive evaluation of an offender.

7 (124) "Recidivist" means an individual convicted two (2) or more times  
 8 of any offense requiring registration under this chapter.

9 (135) "Residence" means the offender's present place of abode.

10 (146) "Student" means a person who is enrolled on a full-time or  
 11 part-time basis, in any public or private educational institution, includ-  
 12 ing any secondary school, trade or professional institution or institution  
 13 of higher education.

14 ~~(15) "Violent sexual predator" means a person who has been convicted of~~  
 15 ~~an offense listed in section 18-8314, Idaho Code, and who has been determined~~  
 16 ~~to pose a high risk of committing an offense or engaging in predatory sexual~~  
 17 ~~conduct.~~

18 SECTION 3. That Section 18-8304, Idaho Code, be, and the same is hereby  
 19 amended to read as follows:

20 18-8304. APPLICATION OF CHAPTER -- RULEMAKING AUTHORITY. (1) The pro-  
 21 visions of this chapter shall apply to any person who:

22 (a) On or after July 1, 1993, is convicted of the crime, or an attempt,  
 23 a solicitation, or a conspiracy to commit a crime provided for in sec-  
 24 tion 18-909 (assault with attempt intent to commit rape, infamous crime  
 25 against nature, or lewd and lascivious conduct with a minor, but ex-  
 26 cluding mayhem, murder or robbery), 18-911 (battery with attempt intent  
 27 to commit rape, infamous crime against nature, or lewd and lascivious  
 28 conduct with a minor, but excluding mayhem, murder or robbery), 18-919  
 29 (sexual exploitation by a medical care provider), 18-1505B (sexual  
 30 abuse and exploitation of a vulnerable adult), 18-1506 (sexual abuse  
 31 of a child under sixteen years of age), 18-1506A (ritualized abuse of  
 32 a child), 18-1507 (sexual exploitation of a child), 18-1507A (possession  
 33 of sexually exploitative material for other than a commercial  
 34 purpose), 18-1508 (lewd conduct with a minor child), 18-1508A (sexual  
 35 battery of a minor child sixteen or seventeen years of age), 18-1509A  
 36 (enticing a child over the internet), 18-1515 (disseminating material  
 37 harmful to minors), 18-4003(d) (murder committed in perpetration of  
 38 rape), 18-4116 (indecent exposure, but excluding a misdemeanor conviction),  
 39 18-4502 (first degree kidnapping committed for the purpose of  
 40 rape, committing the infamous crime against nature or for committing  
 41 any lewd and lascivious act upon any child under the age of sixteen, or  
 42 for purposes of sexual gratification or arousal), 18-4503 (second de-  
 43 gree kidnapping where the victim is an unrelated minor child), 18-5605  
 44 (detention for prostitution), 18-5609 (inducing person under eighteen  
 45 years of age into prostitution), 18-5611 (inducing person under eigh-  
 46 teen years of age to patronize a prostitute), 18-6101 (rape, but exclud-  
 47 ing 18-6101(1) where the defendant is eighteen years of age or where the  
 48 defendant is exempted under subsection (4) of this section), 18-6108  
 49 (male rape, but excluding 18-6108(1) where the defendant is eighteen

1 years of age or where the defendant is exempted under subsection (4)  
2 of this section), 18-6110 (sexual contact with a prisoner), 18-6602  
3 (incest), 18-6605 (crime against nature), 18-6608 (forcible sexual  
4 penetration by use of a foreign object), 18-6609 (video voyeurism where  
5 the victim is a minor or upon a second or subsequent conviction under  
6 18-6609 (video voyeurism), 18-7804 (if the racketeering act involves  
7 kidnapping of a minor) or 18-8602(1), Idaho Code, (sex trafficking).

8 (b) On or after July 1, 1993, has been convicted of any crime, an at-  
9 tempt, a solicitation or a conspiracy to commit a crime in another  
10 state, ~~territory, commonwealth, or other jurisdiction of the United~~  
11 ~~States, including tribal courts and military courts,~~ jurisdiction or  
12 who has a foreign conviction that is substantially equivalent to the  
13 offenses listed in subsection (1) (a) of this section and enters ~~the~~ this  
14 state to establish ~~permanent or temporary~~ residence or for employment  
15 purposes or to attend, on a full-time or part-time basis, any public or  
16 private educational institution including any secondary school, trade  
17 or professional institution or institution of higher education.

18 (c) Has been convicted of any crime, an attempt, a solicitation or a  
19 conspiracy to commit a crime in another ~~state, territory, commonwealth,~~  
20 ~~or other jurisdiction of the United States,~~ including ~~tribal courts~~  
21 ~~and military courts,~~ that is substantially equivalent to the offenses  
22 listed in subsection (1) (a) of this section and was required to register  
23 as a sex offender in any other state or jurisdiction when he established  
24 ~~permanent or temporary~~ residency in Idaho.

25 (d) Pleads guilty to or has been found guilty of a crime covered in this  
26 chapter prior to July 1, 1993, and the person, as a result of the of-  
27 fense, is incarcerated in a county jail facility or a penal facility or  
28 is under probation or parole supervision, on or after July 1, 1993.

29 (e) Is a nonresident regularly employed or working in Idaho or is a stu-  
30 dent in the state of Idaho and was convicted, found guilty or pleaded  
31 guilty to a crime covered by this chapter and, as a result of such con-  
32 viction, finding or plea, is required to register in his state of resi-  
33 dence.

34 (2) An offender shall not be required to comply with the registration  
35 provisions of this chapter while incarcerated in a correctional institution  
36 of the department of correction, a county jail facility, committed to the de-  
37 partment of juvenile corrections or committed to a mental health institution  
38 of the department of health and welfare.

39 (3) A conviction for purposes of this chapter means that the person has  
40 pled guilty or has been found guilty, notwithstanding the form of the judg-  
41 ment or withheld judgment.

42 (4) When a defendant is convicted of rape under section 18-6101(2) or  
43 18-6108(2), Idaho Code, and at the time of the offense the defendant is nine-  
44 teen (19) or twenty (20) years of age and not more than three (3) years older  
45 than the victim of the rape, the court may order that the defendant is exempt  
46 from the requirements of this chapter upon a finding by the court that:

47 (a) All parties have stipulated to the exemption; or

48 (b) The defendant has demonstrated by clear and convincing evidence  
49 that he is not a risk to commit another crime identified in subsection  
50 (1) of this section and in the case there were no allegations by the

1 victim of any violation of section 18-6101(3) through (8) or 18-6108(3)  
2 through (7), Idaho Code.

3 (5) The department shall have authority to promulgate rules to imple-  
4 ment the provisions of this chapter.

5 SECTION 4. That Section 18-8305, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7 18-8305. CENTRAL REGISTRY -- NOTICE TO AGENCIES. (1) The department  
8 shall establish and maintain a central sexual offender registry sepa-  
9 rate from other records maintained by the department. ~~The registry shall~~  
10 ~~include, but is not limited to, fingerprints, photographs, and other in-~~  
11 ~~formation collected from submitted forms and other communications relating~~  
12 ~~to notice of duty to register, sexual offender registration and notice of~~  
13 ~~address change~~ The information contained in the registry shall be in digital  
14 form or include links or identification numbers that provide access to the  
15 information in other databases in which it is included in digital form. The  
16 registry shall include, but is not limited to, the following information:

17 (a) Name and all aliases that the offender has used or under which the  
18 offender has been known including the offender's primary or given name,  
19 nicknames and pseudonyms generally, regardless of the context in which  
20 they are used, any designations or monikers used for self-identifica-  
21 tion in internet communications or postings and traditional names given  
22 by family or clan pursuant to ethnic or tribal tradition;

23 (b) A complete physical description of the person including any identi-  
24 fying marks, such as scars or tattoos, the offender's date of birth in-  
25 cluding any date the offender uses as his or her purported date of birth  
26 and the offender's social security number including any number the of-  
27 fender uses as his or her purported social security number;

28 (c) The criminal history of the offender including the jurisdiction of  
29 all arrests and convictions, the name under which the offender was con-  
30 vinced of each offense, the status of parole, probation or supervised  
31 release; registration status; and the existence of any outstanding ar-  
32 rest warrants for the offender;

33 (d) The text of the provision of law defining the criminal offense for  
34 which the sexual offender is registered as formulated at the time the  
35 offender was convicted;

36 (e) The name and location of each hospital, jail or penal institution  
37 to which the offender was committed for each offense covered under this  
38 chapter;

39 (f) The address or physical description of each residence at which the  
40 offender resides;

41 (g) The name and address of any place where the offender is a student or  
42 will be a student unless the offender is only participating in courses  
43 remotely through the mail or the internet;

44 (h) The license plate number and a description of any vehicle owned or  
45 regularly operated by the sexual offender including any vehicle the of-  
46 fender drives, either for personal use or in the course of employment,  
47 regardless of to whom the vehicle is registered. The term "vehicle" in-  
48 cludes watercraft and aircraft. To the extent the vehicle does not have

1 a license plate, a registration number or other identifying information  
2 shall be provided;

3 (i) Any e-mail or instant messaging address used by the offender;

4 (j) The offender's telephone numbers including, but not limited to,  
5 fixed location telephone numbers, voice over internet protocol numbers  
6 and cell phone numbers;

7 (k) The name and address of any place where the offender is employed  
8 or will be employed and the name and address of any place where the of-  
9 fender works as a volunteer or otherwise works without remuneration or  
10 if the offender does not have a fixed place of employment, a descrip-  
11 tion of normal travel routes or the general areas in which the offender  
12 works;

13 (l) Information regarding any professional license maintained by the  
14 offender that authorizes the offender to engage in an occupation or  
15 carry out a trade or business;

16 (m) Information about the offender's passport, if any, and if the of-  
17 fender is an alien, information about documents establishing the of-  
18 fender's immigration status including document type and number infor-  
19 mation for such documents and a digitized copy of the documents;

20 (n) A set of fingerprints and palm prints of the offender;

21 (o) A current photograph of the offender; and

22 (p) A photocopy of a valid driver's license or identification card is-  
23 ssued to the offender, if any.

24 (2) ~~Upon receipt of information pursuant to section 18-8307, Idaho~~  
25 ~~Code, the department shall notify the law enforcement agencies having ju-~~  
26 ~~risdiction where the offender resides or will reside, enter information in~~  
27 ~~the central registry, and transmit the appropriate information as required~~  
28 ~~by the federal bureau of investigation for inclusion in the national sexual~~  
29 ~~offender registry. Upon receipt of a notice of an offender changing resi-~~  
30 ~~dence to another state, the department shall notify the central registry of~~  
31 ~~the state to which the offender is moving. The department shall adopt rules~~  
32 ~~relating to providing notice of address changes to law enforcement agencies,~~  
33 ~~developing forms, operating the central registry, reviewing and correcting~~  
34 ~~records, and expunging records of persons who are deceased, whose convic-~~  
35 ~~tions have been reversed or who have been pardoned, and those for whom an~~  
36 ~~order of expungement or relief from registration has been entered pursuant~~  
37 ~~to section 18-8310, Idaho Code.~~

38 (3) The department shall develop and distribute to appropriate agen-  
39 cies the standardized forms necessary for the administration of the registry  
40 and shall provide appropriate agencies with instructions for completing and  
41 submitting the forms. The attorney general shall approve the forms and in-  
42 structions prior to distribution.

43 (4) The department shall notify the attorney general of the United  
44 States and appropriate law enforcement agencies of any failure by an of-  
45 fender to comply with the requirements of this chapter and shall revise the  
46 registry to reflect the nature of that failure.

47 SECTION 5. That Section 18-8306, Idaho Code, be, and the same is hereby  
48 amended to read as follows:

1 18-8306. NOTICE OF DUTY TO REGISTER AND INITIAL REGISTRATION. (1)  
2 When a person is sentenced for an offense identified in section 18-8304,  
3 Idaho Code, the prosecuting attorney shall seek and the court shall order  
4 a designated law enforcement agency to immediately ~~fingerpr~~ photograph  
5 that person and obtain fingerprints and palm prints unless the person has  
6 been ~~fingerpr~~ and photographed and has provided fingerprints and palm  
7 prints previously for the same offense. Fingerprints, palm prints and pho-  
8 tographs may be taken at the jail or correctional facility to which the per-  
9 son is remanded or sentenced. The fingerprints, palm prints and photographs  
10 taken pursuant to this subsection shall be submitted to the department as  
11 provided in section 67-3005, Idaho Code.

12 (2) A person convicted of an offense identified in section 18-8304,  
13 Idaho Code, and released on probation without a sentence of incarceration  
14 in a county jail or correctional facility, including release pursuant to a  
15 withheld judgment or release from any mental institution, shall be notified  
16 by the sentencing court of the duty to register pursuant to the provisions  
17 of this chapter and the offender shall register in accordance with this  
18 chapter no later than two (2) working days after sentence is imposed or judg-  
19 ment is withheld. The written notification shall be a form provided by the  
20 department and approved by the attorney general and shall be signed by the  
21 defendant. The court shall retain one (1) copy, provide one (1) copy to the  
22 offender, and submit one (1) copy to the central registry within three (3)  
23 working days of release.

24 (3) With respect to an offender convicted of a sexual offense identi-  
25 fied in section 18-8304, Idaho Code, and sentenced to a period of immediate  
26 incarceration in a jail or correctional facility and subsequently released,  
27 placed on probation, or paroled, the department of correction or jail shall  
28 provide, prior to release from confinement, written notification of the duty  
29 to register and the offender shall register prior to his or her release. The  
30 written notification shall be a form provided by the department and approved  
31 by the attorney general and shall be signed by the offender. The department  
32 of correction or jail shall retain one (1) copy, provide one (1) copy to the  
33 offender, and submit one (1) copy to the central registry within three (3)  
34 working days of release.

35 (4) The sheriff of each county shall provide written notification, on  
36 a form provided by the Idaho transportation department and approved by the  
37 attorney general, of the registration requirements of this chapter to any  
38 person who enters this state from another jurisdiction and makes an appli-  
39 cation for an identification card or a license to operate a motor vehicle in  
40 this state. The written notice shall be signed by the person and one (1) copy  
41 shall be retained by the sheriff's office and one (1) copy shall be provided  
42 to the person.

43 ~~(5) Notification of the duty to register as set forth in subsections (2)~~  
44 ~~and (3) of this section shall constitute an initial registration for the pur-~~  
45 ~~pose of establishing a record in the central registry.~~

46 ~~(6)~~ The notification form provided by the department and approved by  
47 the attorney general shall:

48 (a) Explain the duty to register, the procedure for registration and  
49 penalty for failure to comply with registration requirements;



1 (b) Inform the offender of the requirement to provide notice of any  
 2 change of address within Idaho or to another state jurisdiction within  
 3 five two (52) working days of such change and of the immediate noti-  
 4 fication requirements set forth in subsections (2) and (3) of section  
 5 18-8309, Idaho Code;

6 (c) Inform the offender of the requirement to register in a new state  
 7 jurisdiction within ~~ten~~ two (102) working days of changing residence to  
 8 that state jurisdiction, becoming employed in that jurisdiction or be-  
 9 coming a student in that jurisdiction; and

10 (d) Obtain from the offender and agency or court, the information re-  
 11 quired for initial registration in the central registry as set forth in  
 12 section 18-8305, Idaho Code, as prescribed and any other information  
 13 required by rules promulgated by the department.

14 (76) The official conducting the notice and initial registration shall  
 15 ensure that the notification form is complete, that the offender has read  
 16 and signed the form, and that a copy is forwarded to the central repository  
 17 within the required time period three (3) working days of the registration.

18 ~~(8) Information required for initial registration in the central reg-~~  
 19 ~~istry shall include, but is not limited to: name and aliases of the offender;~~  
 20 ~~social security number; physical descriptors; current address or physical~~  
 21 ~~description of current residence; offense for which convicted, sentence and~~  
 22 ~~conditions of release; treatment or counseling received; and risk assess-~~  
 23 ~~ment or special category of offender.~~

24 (97) No person subject to registration shall willfully furnish false  
 25 or misleading information when complying with registration and notification  
 26 requirements of this chapter.

27 (8) An offender required to register under this chapter shall initially  
 28 register in the jurisdiction in which he or she was convicted as well as any  
 29 other jurisdiction requiring registration under this chapter. If the juris-  
 30 isdiction in which the offender is initially required to register is Idaho, the  
 31 offender shall register in the county in which he or she primarily intends  
 32 to reside. The county of initial registration shall then notify the depart-  
 33 ment, which shall notify any other county or jurisdiction in which the of-  
 34 fender is required to register.

35 SECTION 6. That Section 18-8307, Idaho Code, be, and the same is hereby  
 36 amended to read as follows:

37 18-8307. REGISTRATION. (1) Registration shall consist of a form pro-  
 38 vided by the department and approved by the attorney general, which shall be  
 39 signed by the offender and shall require the ~~following~~ information ~~about the~~  
 40 ~~offender:~~

41 ~~(a) Name and all aliases which the person has used or under which the~~  
 42 ~~person has been known;~~

43 ~~(b) A complete description of the person including the date of birth and~~  
 44 ~~social security number;~~

45 ~~(c) Name of each offense enumerated in section 18-8304, Idaho Code, of~~  
 46 ~~which the person was convicted, where each offense was committed, where~~  
 47 ~~the person was convicted of each offense, and the name under which the~~  
 48 ~~person was convicted of each offense;~~

1 ~~(d) The name and location of each hospital, jail or penal institution to~~  
2 ~~which the person was committed for each offense covered under this chap-~~  
3 ~~ter;~~

4 ~~(e) School or college enrollment; and~~

5 ~~(f) Address or physical description of current residence and place of~~  
6 ~~employment set forth in subsection (1) of section 18-8305, Idaho Code.~~

7 (2) At the time of registration, the sheriff shall obtain a photograph  
8 and fingerprints, in a manner approved by the department, and may require  
9 the offender to provide full palm print impressions of each hand. ~~A violent~~  
10 ~~sexual predator~~ All offenders shall pay an annual fee of ten forty dollars  
11 (\$140.00) to the sheriff per for registration. All other offenders shall  
12 pay an annual fee of forty dollars (\$40.00) to the sheriff for registration.  
13 The sheriff may waive the registration fee if the ~~violent sexual predator or~~  
14 ~~other~~ offender demonstrates indigency. The fees collected under this sec-  
15 tion shall be used by the sheriff to defray the costs of ~~violent sexual predat-~~  
16 ~~or and other sexual~~ offender registration and verification under ~~section~~  
17 ~~18-8308, Idaho Code.~~

18 (3) The sheriff shall forward the completed and signed form, photo-  
19 graph, and fingerprints and palm prints to the department within three (3)  
20 working days of the registration.

21 (a) The official conducting the ~~initial~~ registration shall ensure that  
22 the notification form is complete and that the offender has read and  
23 signed the form.

24 (b) No person subject to registration shall furnish false or misleading  
25 information when complying with registration and notification require-  
26 ments of this chapter.

27 (4) (a) Within two (2) working days of coming into any county to es-  
28 tablish ~~permanent or temporary~~ residence, an offender shall register  
29 with the sheriff of the county. The offender thereafter shall register  
30 annually, ~~unless the offender is designated as a violent sexual predat-~~  
31 ~~or, in which case the offender shall register with the sheriff every~~  
32 ~~three (3) months as provided in this section. If the offender intends~~  
33 ~~to reside in another state jurisdiction, the offender shall register in~~  
34 ~~the other state jurisdiction within ten two (102) days of moving to that~~  
35 ~~state jurisdiction and will not be removed from the sexual offender reg-~~  
36 ~~istry in Idaho until registration in another jurisdiction is complete.~~

37 (b) A nonresident required to register pursuant to section  
38 18-8304(1)(~~eb~~), Idaho Code, shall register with the sheriff of the  
39 county where employed or enrolled as a student within two (2) working  
40 days of the commencement of employment or enrollment as a student in  
41 an educational institution, provided that nonresidents employed in  
42 counseling, coaching, teaching, supervising or working with minors in  
43 any way, regardless of the period of employment, must register prior to  
44 the commencement of such employment.

45 (5) Registration shall be conducted as follows:

46 (a) ~~For violent sexual predators the department shall mail a nonfor-~~  
47 ~~wardable notice of annual registration to the offender's last reported~~  
48 ~~address within three (3) months following the last registration;~~

1 ~~(b) For all other sex offenders t~~The department shall mail an annual,  
2 nonforwardable notice of registration to the offender's last reported  
3 address;

4 (eb) Within five (5) days of the mailing date of the notice, the of-  
5 fender shall appear in person at the office of the sheriff ~~with juris-~~  
6 ~~isdiction in the county in which the offender is required to register~~ for  
7 the purpose of completing the registration process;

8 (dc) If the notice is returned to the department as not delivered, the  
9 department shall inform the sheriff with whom the offender last regis-  
10 tered of the returned notice.

11 (6) All written notifications of duty to register as provided herein  
12 shall include a warning that it is a felony as provided in section 18-8327,  
13 Idaho Code, for an offender to accept employment in any day care center,  
14 group day care facility or family day care home, as those terms are defined in  
15 chapter 11, title 39, Idaho Code, or to be upon or to remain on the premises  
16 of a day care center, group day care facility or family day care home while  
17 children are present, other than to drop off or pick up the offender's child  
18 or children.

19 (7) An offender shall keep the registration current for the full regis-  
20 tration period. The full registration period is for life; however, offend-  
21 ers may petition for release from the full registration period as set forth  
22 in section 18-8310, Idaho Code.

23 SECTION 7. That Section 18-8308, Idaho Code, be, and the same is hereby  
24 amended to read as follows:

25 18-8308. VERIFICATION OF ADDRESS AND ELECTRONIC MONITORING OF VIOLENT  
26 SEXUAL PREDATORS. (1) ~~The address or physical residence of an offender des-~~  
27 ~~ignated as a violent sexual predator shall be verified by the department be-~~  
28 ~~tween registrations.~~

29 ~~(a) The procedure for verification shall be as follows:~~

30 ~~(i) The department shall mail a nonforwardable notice of address~~  
31 ~~verification every thirty (30) days between registrations, to~~  
32 ~~each offender designated as a violent sexual predator.~~

33 ~~(ii) Each offender designated as a violent sexual predator shall~~  
34 ~~complete, sign and return the notice of address verification form~~  
35 ~~to the department within seven (7) days of the mailing date of the~~  
36 ~~notice. If the notice of address verification is returned to the~~  
37 ~~department as not delivered, the department shall, within five (5)~~  
38 ~~days, notify the sheriff with whom the offender designated as a vi-~~  
39 ~~olent sexual predator last registered.~~

40 ~~(iii) The sheriff shall verify the address of the offender by vis-~~  
41 ~~iting the offender's residence once every six (6) months or, if the~~  
42 ~~offender fails to comply with the provisions of paragraph (a) (ii)~~  
43 ~~of this subsection, at any reasonable time to verify the address~~  
44 ~~provided at registration.~~

45 ~~(2) The address or physical residence of any all sex offenders not des-~~  
46 ~~ignated as a violent sexual predator shall be verified by the department be-~~  
47 ~~tween registrations.~~

48 ~~(a) The procedure for verification shall be as follows:~~

1           (i)a) The department shall mail a nonforwardable notice of address  
2 verification every four (4) months between annual registrations.

3           (i)b) Each offender shall complete, sign and return the notice of  
4 address verification form to the department within seven (7) days  
5 of the mailing date of the notice. If the notice of address verifi-  
6 cation is returned as not delivered or if the signed notice is not  
7 returned on time, the department shall notify the sheriff within  
8 five (5) days and the sheriff shall visit the residence of the reg-  
9 istered offender at any reasonable time to verify the address pro-  
10 vided at registration.

11       ~~(3) Any individual designated as a violent sexual predator shall be~~  
12 ~~monitored with electronic monitoring technology for the duration of the~~  
13 ~~individual's probation or parole period as set forth in section 20-219(2),~~  
14 ~~Idaho Code. Any person who, without authority, intentionally alters, tam-~~  
15 ~~pers with, damages or destroys any electronic monitoring equipment required~~  
16 ~~to be worn or used by a violent sexual predator shall be guilty of a felony.~~

17       (42) A sexual offender who does not provide a physical residence ad-  
18 dress at the time of registration shall report, in person, once every seven  
19 (7) days to the sheriff of the county in which he resides. Each time the of-  
20 fender reports to the sheriff, he shall complete a form provided by the de-  
21 partment that includes the offender's name, date of birth, social security  
22 number and a detailed description of the location where he is residing. The  
23 sheriff shall visit the described location at least once each month to verify  
24 the location of the offender.

25       SECTION 8. That Section 18-8309, Idaho Code, be, and the same is hereby  
26 repealed.

27       SECTION 9. That Chapter 83, Title 18, Idaho Code, be, and the same is  
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
29 ignated as Section 18-8309, Idaho Code, and to read as follows:

30       18-8309. DUTY TO UPDATE REGISTRATION INFORMATION. (1) If an offender  
31 subject to registration changes his or her name, street address or actual  
32 address, employment or student status, the offender shall appear in person  
33 within two (2) working days after the change at the office of the sheriff of  
34 the county where the offender is required to register and notify the sheriff  
35 of all changes in the information required for that offender in the sex of-  
36 fender registry. Provided however, nonresidents employed in this jurisdic-  
37 tion in counseling, coaching, teaching, supervising or working with minors  
38 in any way, regardless of the period of employment, shall register before  
39 the commencement of such employment. Within three (3) working days after re-  
40 ceipt of the notice, the sheriff shall notify the department of the changed  
41 information and the department shall notify all other counties and jurisdic-  
42 tions in which the offender is required to register. An offender satisfies  
43 the notification requirements set forth in this subsection if he or she ap-  
44 pears in another jurisdiction in which registration is required and notifies  
45 that jurisdiction of the changed information.

46       (2) An offender required to register shall immediately notify the de-  
47 partment of any lodging lasting seven (7) days or more, regardless of whether  
48 the lodging would be considered a residence as defined in section 18-8303,

1 Idaho Code. The department shall immediately notify the jurisdiction in  
2 which the lodging will occur if different than the jurisdiction in which the  
3 offender is required to register.

4 (3) An offender required to register shall immediately notify the de-  
5 partment of any changes in his or her vehicle information and of any changes  
6 in designations used for self-identification or routing in internet commu-  
7 nications or postings or telephonic communications.

8 (4) If this jurisdiction is notified that an offender who is required to  
9 register is expected to commence residence, employment or school attendance  
10 in this jurisdiction, but the offender fails to appear for registration as  
11 required, this jurisdiction shall inform the jurisdiction that provided the  
12 notification that the offender failed to appear and shall follow the proce-  
13 dures for cases involving possible violations of registration requirements  
14 set forth in the rules of procedures promulgated by the department.

15 (5) An offender required to register in Idaho shall notify the county in  
16 which he or she is registered of his or her intent to commence residence, em-  
17 ployment or school attendance outside of the United States. Once notified,  
18 the county shall notify the central registry, which shall notify all other  
19 counties and jurisdictions in which the offender is required to register and  
20 notify the United States marshals service and update the registry accord-  
21 ingly.

22 (6) Upon receipt of information pursuant to this section, the depart-  
23 ment shall notify the law enforcement agencies in the counties where the  
24 offender resides or will reside, enter information in the central registry  
25 and transmit the appropriate information as required pursuant to section  
26 18-8324, Idaho Code. Upon receipt of a notice of an offender changing  
27 residence to another jurisdiction or entering another jurisdiction for em-  
28 ployment purposes or to attend school, the department shall notify those  
29 agencies entitled to notification pursuant to section 18-8324, Idaho Code.

30 (7) The department shall notify the attorney general of the United  
31 States and appropriate law enforcement agencies of any failure by an of-  
32 fender to comply with the requirements of this chapter and revise the  
33 registry to reflect the nature of that failure.

34 SECTION 10. That Section 18-8310, Idaho Code, be, and the same is hereby  
35 amended to read as follows:

36 18-8310. RELEASE FROM REGISTRATION REQUIREMENTS -- EXPUNGEMENT. (1)  
37 ~~Any person~~ Registration under this act is for life; however, any offender,  
38 other than a recidivist, or an offender who has been convicted of an ag-  
39 gravated offense, or an offender designated as a violent sexual predator,  
40 may, after a period of ten (10) years from the date the person offender was  
41 released from incarceration or placed on parole, supervised release or pro-  
42 bation, whichever is greater, petition the district court for a show cause  
43 hearing to determine whether the person offender shall be exempted from the  
44 duty to register as a sexual offender. If the offender was convicted in  
45 Idaho, the offender shall file his or her petition in the county in which he  
46 or she was convicted. If the offender was convicted in a jurisdiction other  
47 than Idaho, then the offender shall file his or her petition in the county in  
48 which he or she resides. In the petition the petitioner shall:

1 (a) Provide clear and convincing evidence that the petitioner ~~is not a~~  
2 ~~risk to commit a new violation for any violent crime or crime identified~~  
3 ~~in section 18-8304, Idaho Code~~ has completed any periods of supervised  
4 release, probation or parole without revocation;

5 (b) Provide an affidavit indicating that the petitioner does not have  
6 a criminal charge pending nor is the petitioner knowingly under crimi-  
7 nal investigation for any violent crime or crime identified in section  
8 18-8304, Idaho Code;

9 (c) Provide proof of service of such petition and supporting documents  
10 upon the county prosecuting attorney for the county in which the appli-  
11 cation is made and upon the central registry; ~~and~~

12 (d) Provide a certified copy of the judgment of conviction which caused  
13 the petitioner to report as a sexual offender;

14 (e) Provide clear and convincing evidence that the petitioner has suc-  
15 cessfully completed a sexual offender treatment program;

16 (f) Provide an affidavit demonstrating that the petitioner has no  
17 felony convictions during the period for which the petitioner has been  
18 registered; and

19 (g) Provide an affidavit demonstrating that the petitioner has commit-  
20 ted no sex offenses during the period for which the petitioner has been  
21 registered.

22 (2) The county prosecuting attorney and the central registry may submit  
23 evidence, including by affidavit, rebutting the assertions contained within  
24 the offender's petition, affidavits or other documents filed in support of  
25 the petition.

26 (3) The district court may grant a hearing if it finds that the petition  
27 is sufficient. The court shall provide at least sixty (60) days' prior no-  
28 tice of the hearing to the petitioner, the county prosecuting attorney and  
29 the central registry. The central registry may appear or participate as a  
30 party.

31 (34) The court may exempt the petitioner from the ~~reporting~~  
32 registration requirement only after a hearing on the petition in open  
33 court and only upon proof by clear and convincing evidence and upon written  
34 findings of fact and conclusions of law by the court that:

35 (a) The petitioner has complied with the requirements set forth in sub-  
36 section (1) of this section;

37 (b) The court has reviewed the petitioner's criminal history and has  
38 determined that the petitioner is not a recidivist, ~~or~~ has not been con-  
39 victed of an aggravated offense or has not been designated as a violent  
40 sexual predator; and

41 (bc) ~~The~~ It is highly probable or reasonably certain the petitioner is  
42 not a risk to commit a new violation for any violent crime or crime iden-  
43 tified in section 18-8304, Idaho Code.

44 (45) Concurrent with the entry of any order exempting the petitioner  
45 from the ~~reporting~~ registration requirement, the court may further order  
46 that any information regarding the petitioner be expunged from the central  
47 registry.

48 SECTION 11. That Section 18-8311, Idaho Code, be, and the same is hereby  
49 amended to read as follows:

1 18-8311. PENALTIES. (1) An offender subject to registration who  
 2 knowingly fails to register, verify his address, or provide any information  
 3 or notice as required by this chapter shall be guilty of a felony and shall  
 4 be punished by imprisonment in the state prison system for a period not  
 5 to exceed ten (10) years and by a fine not to exceed five thousand dollars  
 6 (\$5,000). If the offender is on probation or other supervised release or  
 7 suspension from incarceration at the time of the violation, the probation or  
 8 supervised release or suspension shall be revoked and the penalty for vio-  
 9 lating this chapter shall be served consecutively to the offender's original  
 10 sentence.

11 (2) An offender subject to registration under this chapter, who  
 12 willfully provides false or misleading information in the registration re-  
 13 quired, shall be guilty of a felony and shall be punished by imprisonment in a  
 14 state prison for a period not to exceed ten (10) years and a fine not to exceed  
 15 five thousand dollars (\$5,000).

16 ~~(3) An offender subject to registration under this chapter, who will-~~  
 17 ~~fully evades service of the board's notice pursuant to section 18-8319,~~  
 18 ~~Idaho Code, shall be guilty of a felony and shall be punished by imprisonment~~  
 19 ~~in a state prison for a period not to exceed ten (10) years and a fine not to~~  
 20 ~~exceed five thousand dollars (\$5,000).~~

21 SECTION 12. That Section 18-8312, Idaho Code, be, and the same is hereby  
 22 amended to read as follows:

23 18-8312. SEXUAL OFFENDER ~~CLASSIFICATION~~ MANAGEMENT BOARD -- APPOINT-  
 24 MENT -- TERMS -- VACANCIES -- CHAIRMAN -- QUORUM -- QUALIFICATIONS OF MEMBERS  
 25 -- COMPENSATION OF MEMBERS. (1) A sexual offender ~~classification management~~  
 26 board is hereby created within the Idaho department of correction. The  
 27 board shall consist of ~~four~~ eight (48) voting members appointed by the gov-  
 28 ernor by and with the advice and consent of the senate. Members shall be  
 29 eligible for reappointment to the board without limitation. ~~The purpose of~~  
 30 ~~the board shall be to assess the risk of reoffense of any offender convicted~~  
 31 ~~and incarcerated for commission of a crime as set forth in section 18-8314,~~  
 32 ~~Idaho Code, to determine whether the offender should be designated a violent~~  
 33 ~~sexual predator. To the extent practicable, the board's determination shall~~  
 34 ~~be made prior to the offender's release from incarceration charged with the~~  
 35 ~~advancement and oversight of sexual offender management policies and prac-~~  
 36 ~~tices statewide.~~

37 (2) The terms of the members shall expire as follows: ~~one~~ three (13)  
 38 members on January 1, 20014; ~~one~~ three (13) members on January 1, 200215;  
 39 ~~one and two~~ (12) members on January 1, 200316; and ~~one~~ (1) member on January  
 40 1, 2004. Thereafter, any person appointed a member of the board shall hold  
 41 office for ~~six~~ three (63) years.

42 (3) Vacancies in the membership of the board shall be filled in the same  
 43 manner in which the original appointments are made. Members appointed to a  
 44 vacant position shall serve the remainder of the unexpired term.

45 (4) Qualifications of members.

46 (a) ~~At least~~ One (1) member of the board shall have, by education,  
 47 experience and training, expertise in the assessment and treatment of  
 48 adult sexual offenders.

1 ~~At least one~~ (1) member of the board shall be employed in the field  
 2 of law enforcement and have training in the field of the behavior and  
 3 treatment of ~~have, by education, experience and training, expertise in~~  
 4 the assessment and treatment of juveniles who have been adjudicated for  
 5 sexual offenders offenses.

6 ~~At least one~~ (1) member of the board shall be an advocate for vic-  
 7 tims ~~have, by education, experience and training, expertise in cultural~~  
 8 diversity and behavior of sexual offenders as they relate to assessment  
 9 and treatment.

10 (d) One (1) member of the board shall be from the Idaho department of  
 11 correction.

12 (e) One (1) member of the board shall be from the Idaho department of  
 13 juvenile corrections.

14 (f) One (1) member of the board shall be an attorney who has experi-  
 15 ence in the prosecution of sexual offenders through the criminal jus-  
 16 justice process.

17 (g) One (1) member of the board shall be an attorney who has experi-  
 18 ence in the defense of sexual offenders through the criminal justice  
 19 process.

20 (h) One (1) member of the board shall be from the Idaho sheriffs' asso-  
 21 ciation.

22 (5) In addition, there shall be advisory to the board, one (1) nonvoting  
 23 member representing the judiciary who shall be appointed by the chief jus-  
 24 tice of the Idaho supreme court. The term of appointment for the judicial  
 25 member shall be four (4) years.

26 (6) The board may create subcommittees to address specific issues.  
 27 Such subcommittees may include board members as well as invited experts and  
 28 other stakeholders or participants.

29 (7) The board shall elect a chairman from its members.

30 (68) ~~A quorum shall exist when at least three (3) members a majority of~~  
 31 ~~the board are is present, provided that one (1) member present has, by educa-~~  
 32 ~~tion, experience and training, expertise in the assessment and treatment of~~  
 33 ~~sexual offenders.~~

34 (79) ~~Members shall be compensated as provided by section 59-509(o),~~  
 35 ~~Idaho Code.~~

36 SECTION 13. That Section 18-8314, Idaho Code, be, and the same is hereby  
 37 amended to read as follows:

38 18-8314. POWERS AND DUTIES OF THE SEXUAL OFFENDER CLASSIFICATION  
 39 MANAGEMENT BOARD. (1) ~~The board shall consider for review offenders sched-~~  
 40 ~~uled for release from incarceration who are referred by the department of~~  
 41 ~~correction or parole commission to determine whether the offender should~~  
 42 ~~be designated as a violent sexual predator presenting a high risk of reof-~~  
 43 ~~fense. Only offenders who were sentenced and convicted for one (1) or more~~  
 44 ~~of the crimes set forth in sections 18-1506, 18-1506A, 18-1507, 18-1508,~~  
 45 ~~18-4003(d), 18-4502, 18-6101 (but excluding subsection (1) of such section~~  
 46 ~~when the offender is eighteen (18) years of age ), 18-6108 (but excluding~~  
 47 ~~subsection (1) of such section when the offender is eighteen (18) years of~~  
 48 ~~age), 18-6602, 18-6605 and 18-6608, Idaho Code, or any violation of the duty~~



1 ~~to register as provided in this chapter, or are recidivists as defined in~~  
2 ~~this chapter, are eligible for review by the board.~~

3 ~~(2) The board shall consider for review offenders who were sentenced~~  
4 ~~and convicted for one (1) or more crimes enumerated in subsection (1) of this~~  
5 ~~section, or any violation of the duty to register as provided in this chap-~~  
6 ~~ter, or offenders who are recidivists as defined in this chapter, who have~~  
7 ~~been released under supervision, for the purpose of determining whether the~~  
8 ~~offender should be designated as a violent sexual predator presenting a high~~  
9 ~~risk of reoffense. Such review shall be undertaken upon request of the dis-~~  
10 ~~trict court having jurisdiction over the offender on probation or of the pa-~~  
11 ~~role commission if the offender has been released on parole regardless of~~  
12 ~~whether the offender has been reviewed by the board prior to release from in-~~  
13 ~~carceration. For purposes of seeking a board review pursuant to this subsec-~~  
14 ~~tion, the court or parole commission may consider all relevant evidence in-~~  
15 ~~cluding, but not limited to, the probation or parole official's observations~~  
16 ~~and opinions of these offenders while under supervision, in light of the cir-~~  
17 ~~cumstances of the underlying offense.~~

18 ~~(3) The board shall consider for review offenders living in Idaho who~~  
19 ~~were sentenced and convicted for one (1) or more crimes enumerated in sub-~~  
20 ~~section (1) of this section, or substantially equivalent to those enumer-~~  
21 ~~ated in subsection (1) of this section and committed in another state, ter-~~  
22 ~~ritory, commonwealth or other jurisdiction of the United States, including~~  
23 ~~tribal courts and military courts, and who have been released under federal~~  
24 ~~or tribal court supervision. Such review shall be for the purpose of deter-~~  
25 ~~mining whether the offender should be designated as a violent sexual preda-~~  
26 ~~tor presenting a high risk of reoffense, and shall be undertaken upon request~~  
27 ~~of the federal or tribal court having jurisdiction over the offender. For~~  
28 ~~purposes of seeking a board review pursuant to this subsection, the federal~~  
29 ~~or tribal court may consider all relevant evidence including, but not lim-~~  
30 ~~ited to, the probation official's observations and opinions of these offend-~~  
31 ~~ers while under supervision, in light of the circumstances of the underlying~~  
32 ~~offense.~~

33 ~~(4) The board shall by rule: develop, advance and oversee sound sexual~~  
34 ~~offender management policies and practices statewide as demonstrated by ev-~~  
35 ~~idence-based best practices.~~

36 ~~(2) The board shall carry out the following duties:~~

37 ~~(a) Establish standards for psychosexual evaluations and the qualifi-~~  
38 ~~cations for certified evaluators performing evaluations performed pur-~~  
39 ~~suant to sections 18-8316 and 18-8317, Idaho Code, and sexual offender~~  
40 ~~treatment programs based on current and evolving best practices.~~

41 ~~(b) Set Establish qualifications, set forth procedures for the ap-~~  
42 ~~proval, and certification and quality assurance of evaluators pursuant~~  
43 ~~to this section administer the certification process for:~~

44 ~~(i) Professionals conducting psychosexual evaluations pursuant~~  
45 ~~to section 18-8316, Idaho Code, or adjudication proceedings on ju-~~  
46 ~~venile sexual offenders;~~

47 ~~(ii) Professionals providing treatment to adult or juvenile sex-~~  
48 ~~ual offenders as ordered or required by the court, Idaho depart-~~  
49 ~~ment of correction, Idaho commission of pardons and parole or the~~  
50 ~~Idaho department of juvenile corrections; and~~

1            (iii) Professionals conducting postconviction sexual offender  
 2            polygraphs as ordered or required by the court, Idaho department  
 3            of correction or Idaho commission of pardons and parole.

4            (c) ~~Establish a nonrefundable initial certification processing fee not~~  
 5            ~~to exceed one hundred fifty dollars (\$150) for each initial certifica-~~  
 6            ~~tion and a nonrefundable annual recertification processing fee not to~~  
 7            ~~exceed one hundred fifty dollars (\$150) for each annual recertifica-~~  
 8            ~~tion.~~

9            (d) Set forth and administer procedures for quality assurance of the  
 10            standards and qualifications established in this section.

11            (e) The board shall have authority to deny, revoke, restrict or suspend  
 12            a certification if standards or qualifications are not met or to other-  
 13            wise monitor a provider.

14            (f) Establish and implement standard protocols for sexual offender  
 15            management, assessment and classification based on current and evolv-  
 16            ing best practices.

17            ~~(5) The board shall establish guidelines to determine whether an of-~~  
 18            ~~fender who meets the criteria of this section is a violent sexual predator~~  
 19            ~~presenting a high risk of reoffense. The guidelines shall be established~~  
 20            ~~with the assistance of sexual offender treatment and law enforcement profes-~~  
 21            ~~sionals who have, by education, experience or training, expertise in the as-~~  
 22            ~~essment and treatment of sexual offenders.~~

23            ~~(a) Factors to be used in establishment of the guidelines must be sup-~~  
 24            ~~ported in the sexual offender assessment field as criteria reasonably~~  
 25            ~~related to the risk of reoffense and be objective criteria that can be~~  
 26            ~~gathered in a consistent and reliable manner.~~

27            ~~(b) The guidelines shall include, but are not limited to, the following~~  
 28            ~~general categories for risk assessment: seriousness of the offense,~~  
 29            ~~offense history, whether the offense was predatory, characteristics of~~  
 30            ~~the offender, characteristics of the victim, the relationship of the~~  
 31            ~~offender to the victim, the number of victims and the number of viola-~~  
 32            ~~tions of each victim.~~

33            ~~(6) If the offender has indicated an intention to reoffend if released~~  
 34            ~~into the community and the available record reveals credible evidence to~~  
 35            ~~support this finding, then the offender shall be deemed a violent sexual~~  
 36            ~~predator regardless of application of the guidelines.~~

37            ~~(7) Once the board has made its determination, it shall set forth writ-~~  
 38            ~~ten findings which shall include:~~

39            ~~(a) The board's risk assessment and the reasons upon which the risk as-~~  
 40            ~~essment was based; and~~

41            ~~(b) The board's determination whether the offender should be des-~~  
 42            ~~ignated as a violent sexual predator and the reasons upon which the~~  
 43            ~~determination was based.~~

44            (83) The board shall have authority to promulgate rules to carry out the  
 45            provisions of this chapter.

46            SECTION 14. That Section 18-8315, Idaho Code, be, and the same is hereby  
 47            amended to read as follows:

48            18-8315. COMPLIANCE WITH OPEN MEETING LAW -- EXECUTIVE SESSIONS AU-  
 49            THORIZED -- REPORT REQUIRED. (1) All meetings of the board shall be held in

1 accordance with the open meeting law as provided in chapter 23, title 67,  
2 Idaho Code, ~~except:~~

3 ~~(a) Consideration of and discussions pertaining to documents not sub-~~  
4 ~~ject to public disclosure, such as the presentence investigation re-~~  
5 ~~port, certain medical or psychological reports and any reports, orders~~  
6 ~~or other documents sealed by court order;~~

7 ~~(b) Deliberations and decisions concerning the classification of vio-~~  
8 ~~lent sexual predators; and~~

9 ~~(c) Votes of individual members in arriving at the classification deci-~~  
10 ~~sions shall not be made public, provided that the board shall maintain a~~  
11 ~~record of the votes of the individual members as required in subsection~~  
12 ~~(2) of this section.~~

13 ~~(2) A written record of the vote to classify an offender as a violent~~  
14 ~~sexual predator by each board member in each case reviewed by that member~~  
15 ~~shall be produced by the board. In accordance with section 9-340B, Idaho~~  
16 ~~Code, the record produced by the board pursuant to this section shall be kept~~  
17 ~~confidential and privileged from disclosure, provided the record shall be~~  
18 ~~made available, upon request, to the governor and the chairman of the sen-~~  
19 ~~ate judiciary and rules committee and the chairman of the house of repres-~~  
20 ~~entatives judiciary, rules and administration committee, for all lawful pur-~~  
21 ~~poses. Distribution of the report by a board member or an employee of the~~  
22 ~~board to any person not specifically listed in this section shall be a misde-~~  
23 ~~meanor.~~

24 ~~(3) Nothing contained in this section shall prevent any person from ob-~~  
25 ~~taining the results of any classification action by the board without ref-~~  
26 ~~erence to the manner in which any member voted. This information can be ob-~~  
27 ~~tained through a public records request made to the board.~~

28 ~~(4) Nothing contained herein shall prevent the governor and chairman~~  
29 ~~of the senate judiciary and rules committee and the chairman of the house of~~  
30 ~~representatives judiciary, rules and administration committee from attend-~~  
31 ~~ing any meeting including an executive session of the sexual offender clas-~~  
32 ~~sification board.~~

33 SECTION 15. That Section 18-8316, Idaho Code, be, and the same is hereby  
34 amended to read as follows:

35 18-8316. REQUIREMENT FOR PSYCHOSEXUAL EVALUATIONS UPON CONVIC-  
36 TION. If ordered by the court, an offender convicted of any offense listed  
37 in section 18-8304, Idaho Code, ~~shall~~ may submit to an evaluation to be com-  
38 pleted and submitted to the court in the form of a written report from a cer-  
39 tified evaluator as defined in section 18-8303, Idaho Code, for the court's  
40 consideration prior to sentencing and incarceration or release on proba-  
41 tion. The court shall select the certified evaluator from a central roster  
42 of evaluators compiled by the sexual offender ~~classification~~ management  
43 board. A certified evaluator performing such an evaluation shall be  
44 disqualified from providing any treatment ordered as a condition of any  
45 sentence, unless waived by the court. ~~For offenders convicted of an offense~~  
46 ~~listed in section 18-8314, Idaho Code, the evaluation shall state whether it~~  
47 ~~is probable that the offender is a violent sexual predator.~~ An evaluation  
48 conducted pursuant to this section shall be done in accordance with the stan-  
49 dards established by the board pursuant to section 18-8314, Idaho Code.

1 SECTION 16. That Section [18-8317](#), Idaho Code, be, and the same is hereby  
2 repealed.

3 SECTION 17. That Section 18-8318, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 18-8318. OFFENDER REQUIRED TO PAY FOR PSYCHOSEXUAL EVALUATION. The  
6 offender shall be required to pay for the cost of the psychosexual eval-  
7 uations performed under this chapter, unless the offender demonstrates  
8 indigency. In such case, the psychosexual evaluation performed pursuant to  
9 section 18-8316, Idaho Code, shall be paid for by the county, ~~and the evalua-~~  
10 ~~tion performed pursuant to section 18-8317, Idaho Code, shall be paid for by~~  
11 ~~the department of correction.~~ As a condition of sentence, indigent offend-  
12 ers for whom the county has paid the cost of evaluation performed pursuant to  
13 section 18-8316, Idaho Code, shall be required to repay the county for the  
14 cost.

15 SECTION 18. That Section [18-8319](#), Idaho Code, be, and the same is hereby  
16 repealed.

17 SECTION 19. That Section [18-8320](#), Idaho Code, be, and the same is hereby  
18 repealed.

19 SECTION 20. That Section [18-8321](#), Idaho Code, be, and the same is hereby  
20 repealed.

21 SECTION 21. That Section [18-8322](#), Idaho Code, be, and the same is hereby  
22 repealed.

23 SECTION 22. That Section 18-8323, Idaho Code, be, and the same is hereby  
24 amended to read as follows:

25 18-8323. PUBLIC ACCESS TO SEXUAL OFFENDER REGISTRY INFORMATION. In-  
26 formation within the sexual offender registry collected pursuant to this  
27 chapter is subject to release only as provided by this section.

28 (1) The department or sheriff shall provide public access to infor-  
29 mation contained in the central sexual offender registry. ~~The department~~  
30 ~~shall promulgate rules defining the processes for providing information~~  
31 ~~to the public and the requirements for retention of inquiry records by the~~  
32 ~~department and sheriff. The department may provide public access to the sex~~  
33 ~~offender registry by means of the internet.~~

34 (2) ~~The department and sheriff will respond to requests for sexual of-~~  
35 ~~fender registry information within ten (10) working days of receipt of the~~  
36 ~~written request.~~

37 ~~(a) Any person may inquire about a named individual by submitting an in-~~  
38 ~~formation request form obtained from the department or sheriff. The de-~~  
39 ~~partment shall promulgate rules outlining the methods and means of sub-~~  
40 ~~mitting requests. Information required for inquiry shall include the~~  
41 ~~individual's full name and address, or full name and date of birth. The~~  
42 ~~requester shall provide his full name, street address and driver's li-~~  
43 ~~cence or social security number.~~

1 ~~(b) Any person may request a list of registered sexual offenders by ge-~~  
2 ~~ographic area, such as by county or by zip code area, as determined by~~  
3 ~~rule, by submitting an information request form obtained from the de-~~  
4 ~~partment or sheriff. The requester shall provide his full name, street~~  
5 ~~address and driver's license, social security number, or state identi-~~  
6 ~~fication number.~~

7 ~~(c) Schools, organizations working with youth, women or other vulnera-~~  
8 ~~ble populations may request a statewide list or lists by geographic area~~  
9 ~~within the state.~~

10 ~~(d) The department and sheriff may collect a fee of five dollars (\$5.00)~~  
11 ~~for each response to a written request.~~

12 ~~(e) Information to be provided includes the offender's name, address,~~  
13 ~~any aliases or prior names, date of birth, the crime of conviction, and~~  
14 ~~the place of conviction. The information provided shall also state~~  
15 ~~whether the offender is a violent sexual predator.~~

16 ~~(f) Identity of the offender's employer or educational institution~~  
17 ~~currently attended will not be provided for any registered sexual of-~~  
18 ~~fender.~~

19 ~~(g) Where a crime category such as "incest" may serve to identify a vic-~~  
20 ~~tim, that crime will be reported as section 18-1506, Idaho Code.~~

21 ~~(h) Any information identifying any person related to, living with,~~  
22 ~~working for, employing or otherwise associated with a registered sexual~~  
23 ~~offender shall be excluded from release.~~

24 ~~(3) The department shall provide to any person, upon written request~~  
25 ~~and at a reasonable cost, determined by the department, a photograph of any~~  
26 ~~registered sexual offender which the department maintains in its central~~  
27 ~~sexual offender registry. The department shall respond to requests for pho-~~  
28 ~~tographs within ten (10) working days of receipt.~~

29 ~~(4) Fees received by the department pursuant to this section shall be~~  
30 ~~deposited in the department's miscellaneous revenue fund and used to support~~  
31 ~~the operation of the central registry. Fees received by the sheriff pursuant~~  
32 ~~to this section shall be used to defray the cost of sexual offender registra-~~  
33 ~~tion. Information that shall be made available to the public includes:~~

34 (a) The offender's name including any aliases or prior names;

35 (b) The offender's date of birth;

36 (c) The address of each residence at which the offender resides or will  
37 reside and, if the offender does not have any present or expected resi-  
38 dence address, other information about where the offender has his or her  
39 home or habitually lives;

40 (d) The address of any place where the offender is a student or will be a  
41 student;

42 (e) A physical description of the offender;

43 (f) The offense for which the offender is registered and any other sex  
44 offense for which the offender has been convicted and the place of the  
45 convictions;

46 (g) A current photograph of the offender; and

47 (h) Temporary lodging information including the place and the period of  
48 time the offender is staying at such lodging. "Temporary lodging" means  
49 any place in which the offender is staying when away from his or her res-  
50 idence for seven (7) or more days. If current information regarding the

1 offender's residence is not available because the offender is in viola-  
2 tion of the requirement to register or cannot be located, then the web-  
3 site shall so note.

4 (3) The following information shall not be disclosed to the public:

5 (a) The identity of the victim;

6 (b) The offender's social security number;

7 (c) Any reference to arrests of the offender that did not result in con-  
8 viction;

9 (d) Any internet identifier associated with and/or provided by the of-  
10 fender;

11 (e) Any information pertaining to the offender's passports and immi-  
12 gration documents; and

13 (f) Any information identifying any person related to, living with,  
14 working for, employing or otherwise associated with a registered sexual  
15 offender.

16 (4) Where a crime category such as "incest" may serve to identify a vic-  
17 tim, that crime will be reported as a violation of section 18-1506, Idaho  
18 Code.

19 (5) The department shall include a cautionary statement relating to  
20 completeness, accuracy and use of registry information when releasing  
21 information to the public or noncriminal justice agencies as well as a state-  
22 ment concerning the penalties provided in section 18-8326, Idaho Code, for  
23 misuse of registry information.

24 (6) Information released pursuant to this section may be used only for  
25 the protection of the public.

26 (7) Further dissemination of registry information by any person or en-  
27 tity shall include the cautionary statements required in subsection (5) of  
28 this section.

29 SECTION 23. That Section 18-8324, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 18-8324. DISSEMINATION OF REGISTRY INFORMATION. (1) The department  
32 shall, within three (3) business days, disseminate any registration in-  
33 formation collected under this chapter, including ~~any changes of address~~  
34 ~~notification, to criminal justice agencies through the public safety and~~  
35 ~~security in registry information, system established in section 19-5202,~~  
36 ~~Idaho Code. Registry information provided under this section shall be used~~  
37 ~~only for the administration of criminal justice or for the protection of the~~  
38 ~~public as permitted by this chapter to:~~

39 (a) The attorney general of the United States for inclusion in the na-  
40 tional sex offender registry or other appropriate databases;

41 (b) Each school and public housing agency in each area in which the of-  
42 fender resides, is an employee or is a student;

43 (c) Each jurisdiction where the sexual offender resides, is an employee  
44 or is a student and each jurisdiction from or to which a change of resi-  
45 dence, employment or student status occurs;

46 (d) Criminal justice agencies through the public safety and security  
47 information system established in section 19-5202, Idaho Code;

1        (e) Any agency responsible for conducting employment-related back-  
2 ground checks under section 3 of the national child protection act of  
3 1993, 42 U.S.C. section 5119a;

4        (f) Social service entities responsible for protecting minors in the  
5 child welfare system;

6        (g) Volunteer organizations in which contact with minors or other vul-  
7 nerable adults might occur; and

8        (h) Any organization, company or individual who requests notification  
9 of changes in registry information.

10        ~~(2) The department shall provide quarterly to the superintendent of~~  
11 ~~public instruction and to the director of the department of health and wel-~~  
12 ~~fare a list of all sexual offenders required to register with the central~~  
13 ~~registry together with the address, date of birth and crime of conviction for~~  
14 ~~each offender listed. The superintendent may further distribute the list or~~  
15 ~~portions thereof to school districts or to schools.~~

16        ~~(3) The department shall release quarterly to the public a list of of-~~  
17 ~~fenders thirty (30) days or more delinquent in maintaining registration or~~  
18 ~~address verification. Offenders subject to being listed include those who~~  
19 ~~have failed:~~

20        ~~(a) To register with a sheriff after initial registration under section~~  
21 ~~18-8307, Idaho Code;~~

22        ~~(b) To register annually as required in section 18-8307, Idaho Code;~~  
23 ~~and~~

24        ~~(c) To respond to an address verification notice as required in section~~  
25 ~~18-8308, Idaho Code Registry information provided under this section~~  
26 ~~shall be used only for the administration of criminal justice or for the~~  
27 ~~protection of the public as permitted by this chapter.~~

28        ~~(43) The department shall include a cautionary statement relating to~~  
29 ~~completeness, accuracy and use of registry information when releasing in-~~  
30 ~~formation to the public or noncriminal justice agencies as well as a state-~~  
31 ~~ment concerning the penalties provided in section 18-8326, Idaho Code, for~~  
32 ~~misuse of registry information.~~

33        ~~(54) Information released pursuant to this section may be used only for~~  
34 ~~the protection of the public.~~

35        ~~(65) Further dissemination of registry information by any person or en-~~  
36 ~~tity shall include the cautionary statements required in subsection (43) of~~  
37 ~~this section.~~

38        ~~(7) Upon registration in a county of a person classified as a violent~~  
39 ~~sexual predator presenting a high risk of reoffense by the Idaho sex offender~~  
40 ~~classification board, or an equivalent classification in another state,~~  
41 ~~the sheriff shall publish in a newspaper in general circulation within the~~  
42 ~~county once a week for three (3) consecutive weeks, the name, address, pho-~~  
43 ~~tograph of said person and offense the offender has committed within thirty~~  
44 ~~(30) days of registration and within this time period shall also disseminate~~  
45 ~~the name, address, photograph of said person and offense the offender has~~  
46 ~~committed to all major local radio and television media. The sheriff shall~~  
47 ~~charge a fee of fifty dollars (\$50.00) in addition to any other fees autho-~~  
48 ~~rized by this chapter to be paid by the sex offender. Fees shall be deposited~~  
49 ~~in a violent sexual predator account maintained by the sheriff to be used for~~

1 ~~the purpose of public education relating to violent sexual predators and to~~  
2 ~~offset the cost of newspaper publication.~~

3 SECTION 24. That Section 9-340B, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 9-340B. RECORDS EXEMPT FROM DISCLOSURE -- LAW ENFORCEMENT RECORDS,  
6 INVESTIGATORY RECORDS OF AGENCIES, EVACUATION AND EMERGENCY RESPONSE PLANS,  
7 WORKER'S COMPENSATION. The following records are exempt from disclosure:

8 (1) Investigatory records of a law enforcement agency, as defined in  
9 section 9-337(7), Idaho Code, under the conditions set forth in section  
10 9-335, Idaho Code.

11 (2) Juvenile records of a person maintained pursuant to chapter 5,  
12 title 20, Idaho Code, except that facts contained in such records shall be  
13 furnished upon request in a manner determined by the court to persons and  
14 governmental and private agencies and institutions conducting pertinent  
15 research studies or having a legitimate interest in the protection, welfare  
16 and treatment of the juvenile who is thirteen (13) years of age or younger.  
17 If the juvenile is petitioned or charged with an offense which would be a  
18 criminal offense if committed by an adult, the name, offense of which the  
19 juvenile was petitioned or charged and disposition of the court shall be sub-  
20 ject to disclosure as provided in section 20-525, Idaho Code. Additionally,  
21 facts contained in any records of a juvenile maintained under chapter 5,  
22 title 20, Idaho Code, shall be furnished upon request to any school district  
23 where the juvenile is enrolled or is seeking enrollment.

24 (3) Records of the custody review board of the Idaho department of ju-  
25 venile corrections, including records containing the names, addresses and  
26 written statements of victims and family members of juveniles, shall be ex-  
27 empt from public disclosure pursuant to section 20-533A, Idaho Code.

28 (4) (a) The following records of the department of correction:  
29 (i) Records of which the public interest in confidentiality, pub-  
30 lic safety, security and habilitation clearly outweighs the pub-  
31 lic interest in disclosure as identified pursuant to the authority  
32 of the Idaho board of correction under section 20-212, Idaho Code;  
33 (ii) Records that contain any identifying information, or any in-  
34 formation that would lead to the identification of any victims or  
35 witnesses;  
36 (iii) Records that reflect future transportation or movement of a  
37 prisoner;  
38 (iv) Records gathered during the course of the presentence inves-  
39 tigation;  
40 (v) Records of a prisoner, as defined in section 9-337(10), Idaho  
41 Code, or probationer shall not be disclosed to any other prisoner  
42 or probationer.

43 (b) Records of buildings, facilities, infrastructures and systems held  
44 by or in the custody of any public agency only when the disclosure of  
45 such information would jeopardize the safety of persons or the public  
46 safety. Such records may include emergency evacuation, escape or other  
47 emergency response plans, vulnerability assessments, operation and se-  
48 curity manuals, plans, blueprints or security codes. For purposes of



1 this section "system" shall mean electrical, heating, ventilation, air  
2 conditioning and telecommunication systems.

3 (c) Records of the commission of pardons and parole shall be exempt from  
4 public disclosure pursuant to section 20-213A, Idaho Code, and section  
5 20-223, Idaho Code. Records exempt from disclosure shall also include  
6 those containing the names, addresses and written statements of vic-  
7 tims.

8 (5) Voting records of the sexual offender classification board. ~~In ac-~~  
9 ~~cordance with section 18-8315, Idaho Code, t~~The written record of the vote  
10 to classify an offender as a violent sexual predator by each board member in  
11 each case reviewed by that board member shall be exempt from disclosure to  
12 the public and shall be made available upon request only to the governor, the  
13 chairman of the senate judiciary and rules committee, and the chairman of the  
14 house of representatives judiciary, rules and administration committee, for  
15 all lawful purposes.

16 (6) Records of the sheriff or Idaho state police received or maintained  
17 pursuant to sections 18-3302 and 18-3302H, Idaho Code, relating to an appli-  
18 cant or licensee.

19 (7) Records of investigations prepared by the department of health and  
20 welfare pursuant to its statutory responsibilities dealing with the protec-  
21 tion of children, the rehabilitation of youth, adoptions and the commitment  
22 of mentally ill persons.

23 (8) Records including, but not limited to, investigative reports,  
24 resulting from investigations conducted into complaints of discrimination  
25 made to the Idaho human rights commission unless the public interest in  
26 allowing inspection and copying of such records outweighs the legitimate  
27 public or private interest in maintaining confidentiality of such records.  
28 A person may inspect and copy documents from an investigative file to which  
29 he or she is a named party if such documents are not otherwise prohibited from  
30 disclosure by federal law or regulation or state law. The confidentiality of  
31 this subsection will no longer apply to any record used in any judicial pro-  
32 ceeding brought by a named party to the complaint or investigation, or by the  
33 Idaho human rights commission, relating to the complaint of discrimination.

34 (9) Records containing information obtained by the manager of the Idaho  
35 state insurance fund pursuant to chapter 9, title 72, Idaho Code, from or on  
36 behalf of employers or employees contained in underwriting and claims for  
37 benefits files.

38 (10) The worker's compensation records of the Idaho industrial commis-  
39 sion provided that the industrial commission shall make such records avail-  
40 able:

41 (a) To the parties in any worker's compensation claim and to the indus-  
42 trial special indemnity fund of the state of Idaho; or

43 (b) To employers and prospective employers subject to the provisions of  
44 the Americans with disabilities act, 42 U.S.C. 12112, or other statu-  
45 tory limitations, who certify that the information is being requested  
46 with respect to a worker to whom the employer has extended an offer of  
47 employment and will be used in accordance with the provisions of the  
48 Americans with disabilities act, 42 U.S.C. 12112, or other statutory  
49 limitations; or

1 (c) To employers and prospective employers not subject to the provi-  
2 sions of the Americans with disabilities act, 42 U.S.C. 12112, or other  
3 statutory limitations, provided the employer presents a written autho-  
4 rization from the person to whom the records pertain; or

5 (d) To others who demonstrate that the public interest in allowing in-  
6 spection and copying of such records outweighs the public or private in-  
7 terest in maintaining the confidentiality of such records, as deter-  
8 mined by a civil court of competent jurisdiction; or

9 (e) Although a claimant's records maintained by the industrial commis-  
10 sion, including medical and rehabilitation records, are otherwise ex-  
11 empt from public disclosure, the quoting or discussing of medical or re-  
12 habilitation records contained in the industrial commission's records  
13 during a hearing for compensation or in a written decision issued by the  
14 industrial commission shall be permitted; provided further, the true  
15 identification of the parties shall not be exempt from public disclo-  
16 sure in any written decision issued and released to the public by the in-  
17 dustrial commission.

18 (11) Records of investigations compiled by the commission on aging in-  
19 volving vulnerable adults, as defined in section 18-1505, Idaho Code, al-  
20 leged to be abused, neglected or exploited.

21 (12) Criminal history records and fingerprints, as defined by section  
22 67-3001, Idaho Code, and compiled by the Idaho state police. Such records  
23 shall be released only in accordance with chapter 30, title 67, Idaho Code.

24 (13) Records furnished or obtained pursuant to section 41-1019, Idaho  
25 Code, regarding termination of an appointment, employment, contract or  
26 other insurance business relationship between an insurer and a producer.

27 (14) Records of a prisoner or former prisoner in the custody of any state  
28 or local correctional facility, when the request is made by another prisoner  
29 in the custody of any state or local correctional facility.

30 (15) Except as provided in section 72-1007, Idaho Code, records of the  
31 Idaho industrial commission relating to compensation for crime victims un-  
32 der chapter 10, title 72, Idaho Code.

33 (16) Records or information identifying a complainant maintained by the  
34 department of health and welfare pursuant to section 39-3556, Idaho Code,  
35 relating to certified family homes, unless the complainant consents in writ-  
36 ing to the disclosure or the disclosure of the complainant's identity is re-  
37 quired in any administrative or judicial proceeding.

38 SECTION 25. That Section 19-2520G, Idaho Code, be, and the same is  
39 hereby amended to read as follows:

40 19-2520G. MANDATORY MINIMUM SENTENCING. (1) Pursuant to section 13,  
41 article V of the Idaho constitution, the legislature intends to provide  
42 mandatory minimum sentences for repeat offenders who have previously been  
43 found guilty of or pleaded guilty to child sexual abuse. The legislature  
44 hereby finds and declares that the sexual exploitation of children consti-  
45 tutes a wrongful invasion of a child and results in social, developmental  
46 and emotional injury to the child. It is the policy of the legislature to  
47 protect children from the physical and psychological damage caused by their  
48 being used in sexual conduct. In order to protect children from becoming  
49 victims of this type of conduct by perpetrators, it is necessary to provide

1 the mandatory minimum sentencing format contained in subsection (2) of this  
2 section. By enacting mandatory minimum sentences, the legislature does not  
3 seek to limit the court's power to impose in any case a longer sentence as  
4 provided by law.

5 (2) Any person who is found guilty of or pleads guilty to any offense  
6 requiring sex offender registration as set forth in section 18-8304, Idaho  
7 Code, or any attempt or conspiracy to commit such a crime, shall be sentenced  
8 to a mandatory minimum term of confinement to the custody of the state board  
9 of correction for a period of not less than fifteen (15) years, if it is found  
10 by the trier of fact that previous to the commission of such crime the de-  
11 fendant has been found guilty of or has pleaded guilty to a violation of any  
12 crime or an offense committed in this state or another state which, if com-  
13 mitted in this state, would require the person to register as a sexual of-  
14 fender as set forth in section 18-8304, Idaho Code.

15 ~~(3) Any person who is found guilty of or pleads guilty to any offense~~  
16 ~~requiring sex offender registration as set forth in section 18-8304, Idaho~~  
17 ~~Code, or any attempt or conspiracy to commit such a crime, shall be sentenced~~  
18 ~~to a mandatory minimum term of confinement to the custody of the state board~~  
19 ~~of correction for a period of not less than life, if it is found by the trier~~  
20 ~~of fact that previous to the commission of such crime the defendant has been~~  
21 ~~and is designated a violent sexual predator as set forth in section 18-8314,~~  
22 ~~Idaho Code, or the equivalent under the laws of another state at the time of~~  
23 ~~committing such offense.~~

24 ~~(4)~~ The mandatory minimum term provided in this section shall be im-  
25 posed where the aggravating factor is separately charged in the information  
26 or indictment and admitted by the accused or found to be true by the trier of  
27 fact at a trial of the substantive crime. A court shall not have the power to  
28 suspend, withhold, retain jurisdiction, or commute a mandatory minimum sen-  
29 tence imposed pursuant to this section. Any sentence imposed under the pro-  
30 visions of this section shall run consecutive to any other sentence imposed  
31 by the court.

32 SECTION 26. That Section 20-219, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34 20-219. PROBATION AND PAROLE SUPERVISION. (1) The state board of cor-  
35 rection shall be charged with the duty of supervising all persons convicted  
36 of a felony placed on probation or released from the state penitentiary on  
37 parole, and all persons convicted of a felony released on parole or probation  
38 from other states and residing in the state of Idaho; of making such inves-  
39 tigation as may be necessary; of reporting alleged violations of parole or  
40 probation in specific cases to the commission or the courts to aid in deter-  
41 mining whether the parole or probation should be continued or revoked and of  
42 preparing a case history record of the prisoners to assist the commission or  
43 the courts in determining if they should be paroled or should be released on  
44 probation.

45 ~~(2) Any person placed on probation or parole and who has been desig-~~  
46 ~~ated as a violent sexual predator pursuant to chapter 83, title 18, Idaho~~  
47 ~~Code, shall be monitored with electronic monitoring technology for the dura-~~  
48 ~~tion of the person's probation or parole period.~~ Any person who, without au-

1     thority, intentionally alters, tampers with, damages, or destroys any elec-  
2     tronic monitoring equipment shall be guilty of a felony.

3             SECTION 27. That Section 67-2345, Idaho Code, be, and the same is hereby  
4     amended to read as follows:

5             67-2345. EXECUTIVE SESSIONS -- WHEN AUTHORIZED. (1) An executive ses-  
6     sion at which members of the public are excluded may be held, but only for the  
7     purposes and only in the manner set forth in this section. The motion to go  
8     into executive session shall identify the specific subsections of this sec-  
9     tion that authorize the executive session. There shall be a roll call vote on  
10    the motion and the vote shall be recorded in the minutes. An executive ses-  
11    sion shall be authorized by a two-thirds (2/3) vote of the governing body. An  
12    executive session may be held:

13            (a) To consider hiring a public officer, employee, staff member or in-  
14            dividual agent, wherein the respective qualities of individuals are to  
15            be evaluated in order to fill a particular vacancy or need. This para-  
16            graph does not apply to filling a vacancy in an elective office or delib-  
17            erations about staffing needs in general;

18            (b) To consider the evaluation, dismissal or disciplining of, or to  
19            hear complaints or charges brought against, a public officer, employee,  
20            staff member or individual agent, or public school student;

21            (c) To conduct deliberations concerning labor negotiations or to ac-  
22            quire an interest in real property which is not owned by a public agency;

23            (d) To consider records that are exempt from disclosure as provided in  
24            chapter 3, title 9, Idaho Code;

25            (e) To consider preliminary negotiations involving matters of trade or  
26            commerce in which the governing body is in competition with governing  
27            bodies in other states or nations;

28            (f) To communicate with legal counsel for the public agency to discuss  
29            the legal ramifications of and legal options for pending litigation, or  
30            controversies not yet being litigated but imminently likely to be liti-  
31            gated. The mere presence of legal counsel at an executive session does  
32            not satisfy this requirement;

33            (g) By the commission of pardons and parole, as provided by law;

34            ~~(h) By the sexual offender classification board, as provided by chapter~~  
35            ~~83, title 18, Idaho Code;~~

36            ~~(i) By the custody review board of the Idaho department of juvenile cor-~~  
37            ~~rections, as provided by law; or~~

38            (ji) To engage in communications with a representative of the public  
39            agency's risk manager or insurance provider to discuss the adjustment  
40            of a pending claim or prevention of a claim imminently likely to be  
41            filed. The mere presence of a representative of the public agency's  
42            risk manager or insurance provider at an executive session does not sat-  
43            isfy this requirement.

44            (2) Labor negotiations may be conducted in executive session if either  
45            side requests closed meetings. Notwithstanding the provisions of section  
46            67-2343, Idaho Code, subsequent sessions of the negotiations may continue  
47            without further public notice.

48            (3) The exceptions to the general policy in favor of open meetings  
49            stated in this section shall be narrowly construed. It shall be a violation

1 of this act to change the subject within the executive session to one not  
2 identified within the motion to enter the executive session or to any topic  
3 for which an executive session is not provided.

4 (4) No executive session may be held for the purpose of taking any final  
5 action or making any final decision.