

IN THE SENATE

SENATE BILL NO. 1262

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO COMMUNICATIONS SECURITY; AMENDING SECTION 18-6710, IDAHO CODE,
2 TO PROVIDE FOR THE USE OF TELECOMMUNICATION, EMAIL, TEXT MESSAGE, AND
3 OTHER FORMS OF ELECTRONIC COMMUNICATION, TO REVISE A DEFINITION, AND TO
4 MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN
5 EFFECTIVE DATE.
6

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

8 SECTION 1. That Section 18-6710, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 18-6710. USE OF ~~TELEPHONE~~ TELECOMMUNICATION TO ANNOY, TERRIFY,
11 THREATEN, INTIMIDATE, HARASS, OR OFFEND BY LEWD OR PROFANE LANGUAGE, RE-
12 QUESTS, SUGGESTIONS, OR PROPOSALS -- THREATS OF PHYSICAL HARM -- DISTURBING
13 THE PEACE BY REPEATED ~~CALLS~~ TELECOMMUNICATION -- PENALTIES. (1) ~~Every~~ Any
14 person who, with intent to annoy, terrify, threaten, intimidate, harass,
15 or offend, ~~telephones~~ contacts another via telecommunication, email, text
16 message, or any other form of electronic communication and (a) addresses to
17 or about such person any obscene, lewd, or profane language, or makes any
18 request, suggestion, or proposal ~~which that~~ is obscene, lewd, lascivious,
19 or indecent; or (b) addresses to such other person any threat to inflict
20 injury or physical harm to the person or property of the person addressed or
21 any member of his family, or any other person; or (c) by repeated anonymous
22 or identified ~~telephone calls~~ telecommunications, emails, text messages,
23 or any other form of electronic communication whether or not conversation
24 ensues, disturbs the peace or attempts to disturb the peace, quiet, or right
25 of privacy of any person at the place where the ~~telephone call or calls are~~
26 telecommunication, email, text message, or any other form of electronic
27 communication is received, is guilty of a misdemeanor and, upon conviction
28 thereof, shall be sentenced to a term of not to exceed one (1) year in the
29 county jail. Upon a second or subsequent conviction, the defendant shall be
30 guilty of a felony and shall be sentenced to a term of not to exceed five (5)
31 years in the state penitentiary.

32 (2) The use of obscene, lewd, or profane language or the making of a
33 threat or obscene proposal, or the ~~making~~ sending of repeated anonymous
34 ~~telephone calls~~ telecommunications, emails, text messages, or any other
35 form of electronic communication as set forth in this section may be prima
36 facie evidence of intent to annoy, terrify, threaten, intimidate, harass, or
37 offend.

38 (3) For the purposes of this section, the term "~~telephone~~"
39 "telecommunication" shall mean ~~any device which provides the~~ transmission
40 of messages, signals, facsimiles, video images, or other communication
41 between persons who are physically separated from each other by means of

1 telephone, telegraph, cable, wire, or the projection of energy without
2 physical connection.

3 SECTION 2. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after
5 July 1, 2024.