

IN THE SENATE

SENATE BILL NO. 1270

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO FORCIBLE PENETRATION; AMENDING SECTION 18-6608, IDAHO CODE, TO
REVISE THE CONDITIONS FOR COMMITTING THE CRIME OF FORCIBLE PENETRATION
BY A FOREIGN OBJECT.

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

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

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

(1) Against the victim's will by:

(a) Use of force or violence; or

(b) Duress; or

(c) Threats of immediate and great bodily harm, accompanied by apparent power of execution; or

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

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

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

(a) Was unconscious or asleep; or

(b) Was not aware, knowing, perceiving or cognizant that the act occurred;

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