

IN THE SENATE

SENATE BILL NO. 1338

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO ENTICING A CHILD; AMENDING SECTION 18-1509A, IDAHO CODE, TO RE-  
2 VISE A SHORT TITLE, TO REVISE PROVISIONS RELATING TO ENTICING A CHILD  
3 THROUGH USE OF THE INTERNET OR OTHER COMMUNICATION DEVICE AND TO PROVIDE  
4 THAT IT IS NOT NECESSARY FOR THE PROSECUTION TO MAKE A CERTAIN SHOWING IN  
5 A CERTAIN PROSECUTION.  
6

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

8 SECTION 1. That Section 18-1509A, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 18-1509A. ENTICING OF A CHILDREN OVER THROUGH USE OF THE INTERNET OR  
11 OTHER COMMUNICATION DEVICE -- PENALTIES -- JURISDICTION. (1) A person aged  
12 eighteen (18) years or older shall be guilty of a felony if ~~he or she~~ such per-  
13 son knowingly uses the internet or any device that provides transmission of  
14 messages, signals, facsimiles, video images or other communication to so-  
15 licit, seduce, lure, persuade or entice by words or actions, or both, a minor  
16 child person under the age of sixteen (16) years or a person the defendant be-  
17 lieves to be ~~a minor child~~ a child person under the age of sixteen (16) years to engage in any  
18 sexual act with or against the child person where such act ~~is~~ would be a vio-  
19 lation of chapter 15, 61 or 66, title 18, Idaho Code.

20 (2) ~~Every~~ Any person who is convicted of a violation of this section  
21 shall be punished by imprisonment in the state prison for a period not to ex-  
22 ceed fifteen (15) years.

23 (3) It shall not constitute a defense against any charge or violation of  
24 this section that a law enforcement officer, peace officer, or other person  
25 working at the direction of law enforcement was involved in the detection or  
26 investigation of a violation of this section.

27 (4) In a prosecution under this section, it is not necessary for the  
28 prosecution to show that an act described in chapter 15, 61 or 66, title 18,  
29 Idaho Code, actually occurred.

30 (5) The offense is committed in the state of Idaho for purposes of de-  
31 termining jurisdiction if the transmission that constitutes the offense ei-  
32 ther originates in or is received in the state of Idaho.