

IN THE SENATE

SENATE BILL NO. 1414

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO SEX CRIMES; AMENDING SECTION 18-8304, IDAHO CODE, AS AMENDED
2 IN SECTION 18 OF SENATE BILL NO. 1325, IF ENACTED BY THE SECOND REGULAR
3 SESSION OF THE SIXTY-SIXTH IDAHO LEGISLATURE, TO REVISE A PROVISION
4 REGARDING APPLICABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN
5 EFFECTIVE DATE.
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 18-8304, Idaho Code, as amended in Section 18
9 of Senate Bill No. 1325, if enacted by the Second Regular Session of the
10 Sixty-sixth Idaho Legislature, be, and the same is hereby amended to read as
11 follows:

12 18-8304. APPLICATION OF CHAPTER -- RULEMAKING AUTHORITY. (1) The pro-
13 visions of this chapter shall apply to any person who:

14 (a) On or after July 1, 1993, is convicted of the crime, or an attempt,
15 a solicitation, or a conspiracy to commit a crime provided for in sec-
16 tion 18-909 (assault with intent to commit rape or lewd and lascivious
17 conduct with a minor, but excluding mayhem, murder or robbery), 18-911
18 (battery with intent to commit rape or lewd and lascivious conduct with
19 a minor, but excluding mayhem, murder or robbery), 18-919 (sexual ex-
20 ploitation by a medical care provider), 18-925 (aggravated sexual bat-
21 tery), 18-1505B (sexual abuse and exploitation of a vulnerable adult),
22 18-1506 (sexual abuse of a child under sixteen years of age), 18-1506A
23 (ritualized abuse of a child), felony violations of 18-1507 (sexual
24 exploitation of a child), 18-1508 (lewd conduct with a minor child),
25 18-1508A (sexual battery of a minor child sixteen or seventeen years of
26 age), 18-1509A (enticing a child over the internet), 18-4003(d) (murder
27 committed in perpetration of rape), 18-4116 (indecent exposure, but
28 excluding a misdemeanor conviction), 18-4502 (first degree kidnapping
29 committed for the purpose of rape or for committing any lewd and las-
30 civious act upon any child under the age of sixteen, or for purposes of
31 sexual gratification or arousal), 18-4503 (second degree kidnapping
32 where the victim is an unrelated minor child), 18-5605 (detention for
33 prostitution), 18-5609 (inducing person under eighteen years of age
34 into prostitution), 18-5610 (utilizing a person under eighteen years of
35 age for prostitution), 18-5611 (inducing person under eighteen years of
36 age to patronize a prostitute), 18-6101 (rape, but excluding 18-6101(1)
37 where the defendant is eighteen years of age), 18-6110 (sexual con-
38 tact with a prisoner), 18-6601 (incest), 18-6602 (sexual abuse of an
39 animal), 18-6603 (sexual abuse of human remains), 18-6604 (forcible
40 penetration by use of a foreign object), 18-6605 (video voyeurism
41 where the victim is a minor or upon a second or subsequent conviction),

1 18-7804 (if the racketeering act involves kidnapping of a minor) or
2 18-8602(1) (a) (i) (sex trafficking), Idaho Code.

3 (b) On or after July 1, 1993, has been convicted of any crime, an at-
4 tempt, a solicitation or a conspiracy to commit a crime in another ju-
5 risdiction, including military courts, or who has a foreign conviction
6 that is substantially equivalent to the offenses listed in paragraphs
7 (a) and (f) of this subsection and enters this state to establish resi-
8 dence or for employment purposes or to attend, on a full-time or part-
9 time basis, any public or private educational institution including any
10 secondary school, trade or professional institution or institution of
11 higher education.

12 (c) Has been convicted of any crime, an attempt, a solicitation or a
13 conspiracy to commit a crime in another jurisdiction, including mil-
14 itary courts, or who has a foreign conviction that is substantially
15 equivalent to the offenses listed in paragraphs (a) and (f) of this sub-
16 section and was required to register as a sex offender in any other state
17 or jurisdiction when he established residency in Idaho.

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

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

27 (f) On or after July 1, 1993, is convicted of the crime or an attempt,
28 solicitation, or conspiracy to commit the infamous crime against nature
29 that involves a minor child under sixteen (16) years of age or bestial-
30 ity, a felony offense formerly codified in chapter 66, title 18, Idaho
31 Code, and whose conviction is entered before July 1, 2022.

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

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

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

42 SECTION 2. An emergency existing therefor, which emergency is hereby
43 declared to exist, this act shall be in full force and effect on and after
44 July 1, 2022.