

IN THE SENATE

SENATE BILL NO. 1321

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO ASSAULT AND BATTERY; AMENDING SECTION 18-915, IDAHO CODE,
2 TO PROVIDE FOR ASSAULT OR BATTERY UPON EMPLOYEES OF A PUBLIC OR CON-
3 SUMER-OWNED UTILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN
4 EFFECTIVE DATE.
5

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

7 SECTION 1. That Section 18-915, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 18-915. ASSAULT OR BATTERY UPON CERTAIN PERSONNEL -- PUNISHMENT. (1)
10 Any person who commits a crime provided for in this chapter against or upon
11 a justice, judge, magistrate, prosecuting attorney, public defender, peace
12 officer, bailiff, marshal, sheriff, police officer, peace officer standards
13 and training employee involved in peace officer decertification activi-
14 ties, emergency services dispatcher, correctional officer, employee of the
15 department of correction, employee of a private prison contractor while
16 employed at a private correctional facility in the state of Idaho, members
17 or employees of the commission of pardons and parole, employees of the de-
18 partment of water resources authorized to enforce the provisions of chapter
19 38, title 42, Idaho Code, employees of the department of parks and recreation
20 authorized to enforce the provisions of chapter 42, title 67, Idaho Code,
21 employees of a public utility as described in section 61-129, Idaho Code,
22 including any employee of a consumer-owned utility, jailer, parole officer,
23 misdemeanor probation officer, officer of the Idaho state police, fireman,
24 social caseworkers or social work specialists of the department of health
25 and welfare, employee of a state secure confinement facility for juveniles,
26 employee of a juvenile detention facility, a teacher at a detention facil-
27 ity or a juvenile probation officer, emergency medical services personnel
28 licensed under the provisions of chapter 10, title 56, Idaho Code, a member,
29 employee or agent of the state tax commission, United States marshal, or
30 federally commissioned law enforcement officer or their deputies or agents,
31 and the perpetrator knows or has reason to know of the victim's status, the
32 punishment shall be as follows:

33 (a) For committing battery with intent to commit a serious felony,
34 the punishment shall be imprisonment in the state prison not to exceed
35 twenty-five (25) years.

36 (b) For committing any other crime in this chapter, the punishment
37 shall be doubled that provided in the respective section, except as pro-
38 vided in subsections (2) and (3) of this section.

39 (2) For committing a violation of the provisions of section 18-901 or
40 18-903, Idaho Code, against the person of a former or present justice, judge
41 or magistrate, jailer or correctional officer or other staff of the depart-
42 ment of correction, or of a county jail, or of a private correctional facil-

1 ity, or of an employee of a state secure confinement facility for juveniles,
2 an employee of a juvenile detention facility, a teacher at a detention facil-
3 ity, misdemeanor probation officer, a juvenile probation officer, or member
4 or employee of the commission of pardons and parole:

5 (a) Because of the exercise of official duties or because of the vic-
6 tim's former or present official status; or

7 (b) While the victim is engaged in the performance of his duties and the
8 person committing the offense knows or reasonably should know that such
9 victim is a justice, judge or magistrate, jailer or correctional offi-
10 cer or other staff of the department of correction, or of a private cor-
11 rectional facility, an employee of a state secure confinement facility
12 for juveniles, an employee of a juvenile detention facility, a teacher
13 at a detention facility, misdemeanor probation officer or a juvenile
14 probation officer;

15 the offense shall be a felony punishable by imprisonment in a correctional
16 facility for a period of not more than five (5) years, and said sentence shall
17 be served consecutively to any sentence being currently served.

18 (3) For committing a violation of the provisions of section 18-903,
19 Idaho Code, except unlawful touching as described in section 18-903(b),
20 Idaho Code, against the person of a former or present peace officer, sheriff
21 or police officer:

22 (a) Because of the exercise of official duty or because of the victim's
23 former or present official status; or

24 (b) While the victim is engaged in the performance of his duties and the
25 person committing the offense knows or reasonably should know that such
26 victim is a peace officer, sheriff or police officer;

27 the offense shall be a felony punishable by imprisonment in a correctional
28 facility for a period of not more than five (5) years, and said sentence shall
29 be served consecutively to any sentence being currently served.

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