

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 70

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO FIREARMS; AMENDING SECTION 18-310, IDAHO CODE, TO PROVIDE THAT A PERSON CONVICTED OF THE CRIME OF SEXUAL BATTERY OF A MINOR CHILD SIXTEEN OR SEVENTEEN YEARS OF AGE SHALL NOT HAVE CERTAIN RIGHTS RESTORED AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 18-310, Idaho Code, be, and the same is hereby amended to read as follows:

18-310. IMPRISONMENT -- EFFECT ON CIVIL RIGHTS AND OFFICES. (1) A sentence of custody to the Idaho state board of correction suspends all the civil rights of the person so sentenced, including the right to refuse treatment authorized by the sentencing court, and forfeits all public offices and all private trusts, authority or power during such imprisonment: provided that any such person may bring an action for damages or other relief in the courts of this state or have an action brought against such person; and provided further that any such person may lawfully exercise all civil rights that are not political during any period of parole or probation, except the right to ship, transport, possess or receive a firearm, and the right to refuse treatment authorized by the sentencing court.

(2) Upon final discharge, a person convicted of any Idaho felony shall be restored the full rights of citizenship, except that for persons convicted of treason or those offenses enumerated in paragraphs (a) through (ii) of this subsection the right to ship, transport, possess or receive a firearm shall not be restored. As used in this subsection, "final discharge" means satisfactory completion of imprisonment, probation and parole as the case may be.

- (a) Aggravated assault (18-905, 18-915, Idaho Code);
- (b) Aggravated battery (18-907, 18-915, Idaho Code);
- (c) Assault with intent to commit a serious felony (18-909, 18-915, Idaho Code);
- (d) Battery with intent to commit a serious felony (18-911, 18-915, Idaho Code);
- (e) Burglary (18-1401, Idaho Code);
- (f) Crime against nature (18-6605, Idaho Code);
- (g) Domestic battery, felony (18-918, Idaho Code);
- (h) Enticing of children, felony (18-1509, Idaho Code);
- (i) Forcible sexual penetration by use of a foreign object (18-6608, Idaho Code);
- (j) Indecent exposure, felony (18-4116, Idaho Code);
- (k) Injury to child, felony (18-1501, Idaho Code);
- (l) Intimidating a witness, felony (18-2604, Idaho Code);

1 (m) Lewd conduct with a minor or child under sixteen (18-1508, Idaho
 2 Code), or sexual battery of a minor child sixteen or seventeen years of
 3 age (18-1508A, Idaho Code);

4 (n) Sexual abuse of a child under sixteen (18-1506, Idaho Code);

5 (o) Sexual exploitation of a child (18-1507, Idaho Code);

6 (p) Felonious rescuing prisoners (18-2501, Idaho Code);

7 (q) Escape by one charged with, convicted of or on probation for a
 8 felony (18-2505, Idaho Code);

9 (r) Unlawful possession of a firearm (18-3316, Idaho Code);

10 (s) Degrees of murder (18-4003, Idaho Code);

11 (t) Voluntary manslaughter (18-4006(1), Idaho Code);

12 (u) Assault with intent to murder (18-4015, Idaho Code);

13 (v) Administering poison with intent to kill (18-4014, Idaho Code);

14 (w) Kidnapping (18-4501, Idaho Code);

15 (x) Mayhem (18-5001, Idaho Code);

16 (y) Rape (18-6101, Idaho Code);

17 (z) Robbery (18-6501, Idaho Code);

18 (aa) Ritualized abuse of a child (18-1506A, Idaho Code);

19 (bb) Cannibalism (18-5003, Idaho Code);

20 (cc) Felonious manufacture, delivery or possession with the intent to
 21 manufacture or deliver, or possession of a controlled or counterfeit
 22 substance (37-2732, Idaho Code);

23 (dd) Trafficking (37-2732B, Idaho Code);

24 (ee) Threats against state officials of the executive, legislative or
 25 judicial branch, felony (18-1353A, Idaho Code);

26 (ff) Unlawful discharge of a firearm at a dwelling house, occupied
 27 building, vehicle or mobile home (18-3317, Idaho Code);

28 (gg) Unlawful possession of destructive devices (18-3319, Idaho Code);

29 (hh) Unlawful use of destructive device or bomb (18-3320, Idaho Code);

30 (ii) Attempt (18-306, Idaho Code), conspiracy (18-1701, Idaho Code),
 31 or solicitation (18-2001, Idaho Code), to commit any of the crimes de-
 32 scribed in paragraphs (a) through (hh) of this subsection.

33 (jj) The provisions of this subsection shall apply only to those persons
 34 convicted of the enumerated felonies in paragraphs (a) through (ii) of
 35 this subsection on or after July 1, 1991, except that persons convicted
 36 of the felonies enumerated in paragraphs (s) and (t) of this subsec-
 37 tion, for any degree of murder or voluntary manslaughter, shall not be
 38 restored the right to ship, transport, possess or receive a firearm,
 39 regardless of the date of their conviction if the conviction was the
 40 result of an offense committed by use of a firearm.

41 (3) A person not restored ~~to~~ the civil right to ship, transport, pos-
 42 sess or receive a firearm may make application to the commission of pardons
 43 and parole to restore the civil right to ship, transport, possess or receive
 44 a firearm. The commission shall not accept any such application until five
 45 (5) years after the date of final discharge. The commission shall conduct
 46 the proceeding upon such application pursuant to rules adopted in accordance
 47 with the law. The commission shall not restore the right to ship, transport,
 48 possess or receive a firearm to any person convicted of murder in the first
 49 degree (18-4003, Idaho Code), murder in the second degree (18-4003, Idaho
 50 Code), or any felony enumerated in paragraphs (a) through (ii) of subsection

1 (2) of this section, upon which the sentence was enhanced for the use of a
2 firearm during the commission of said felony.

3 (4) Persons convicted of felonies in other states or jurisdictions
4 shall be allowed to register and vote in Idaho upon final discharge, which
5 means satisfactory completion of imprisonment, probation and parole as the
6 case may be. These individuals shall not have the right restored to ship,
7 transport, possess or receive a firearm in the same manner as an Idaho felon
8 as provided in subsection (2) of this section.