

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 494

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1
2 RELATING TO CRIMES AND PUNISHMENTS; AMENDING THE HEADING FOR CHAPTER 56,
3 TITLE 18, IDAHO CODE; REPEALING SECTION 18-5601, IDAHO CODE, RELATING
4 TO INTERSTATE TRAFFICKING IN PROSTITUTION; AMENDING CHAPTER 56, TITLE
5 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-5601, IDAHO CODE,
6 TO DEFINE TERMS; AMENDING SECTION 18-5602, IDAHO CODE, TO REVISE TER-
7 MINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-5603,
8 IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION;
9 AMENDING SECTION 18-5604, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE
10 A TECHNICAL CORRECTION; AMENDING SECTION 18-5605, IDAHO CODE, TO RE-
11 VISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
12 18-5606, IDAHO CODE, TO REMOVE DEFINITIONS AND TO MAKE A TECHNICAL COR-
13 RECTION; AMENDING CHAPTER 56, TITLE 18, IDAHO CODE, BY THE ADDITION OF A
14 NEW SECTION 18-5607, IDAHO CODE, TO PROVIDE FOR THE CRIME OF INTERSTATE
15 TRAFFICKING IN COMMERCIAL SEXUAL ACTIVITY; AMENDING SECTION 18-5608,
16 IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION;
17 AMENDING SECTION 18-5609, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING
18 SECTION 18-5610, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REMOVE TERMS;
19 AMENDING SECTION 18-5611, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING
20 SECTION 18-5612, IDAHO CODE, TO PROVIDE CODE REFERENCES; REPEALING SEC-
21 TION 18-5613, IDAHO CODE, RELATING TO PROSTITUTION; AMENDING CHAPTER
22 56, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-5613, IDAHO
23 CODE, TO PROVIDE FOR THE CRIME OF PROVIDING COMMERCIAL SEXUAL ACTIVITY;
24 AMENDING SECTION 18-5614, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE
25 PROVISIONS REGARDING SOLICITING COMMERCIAL SEXUAL ACTIVITY, TO PROVIDE
26 A PENALTY, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-5620,
27 IDAHO CODE, TO REVISE PROVISIONS REGARDING FORFEITURE AND TO MAKE TECH-
28 NICAL CORRECTIONS; AMENDING SECTION 18-5621, IDAHO CODE, TO REVISE A
29 PROVISION REGARDING PRESERVATION OF PROPERTY AND TO MAKE A TECHNICAL
30 CORRECTION; REPEALING SECTION 18-8602, IDAHO CODE, RELATING TO DEFINI-
31 TIONS; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF
32 A NEW SECTION 18-8602, IDAHO CODE, TO DEFINE TERMS; REPEALING SECTION
33 18-8603, IDAHO CODE, RELATING TO PENALTIES; AMENDING CHAPTER 86, TITLE
34 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8603, IDAHO CODE, TO
35 PROVIDE FOR PENALTIES; AMENDING SECTION 18-8604, IDAHO CODE, TO REVISE
36 A PROVISION REGARDING RESTITUTION; REPEALING SECTION 18-8605, IDAHO
37 CODE, RELATING TO HUMAN TRAFFICKING VICTIM PROTECTION; AMENDING CHAP-
38 TER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8605,
39 IDAHO CODE, TO AUTHORIZE THE ATTORNEY GENERAL TO TAKE CERTAIN ACTIONS;
40 AMENDING SECTION 18-8606, IDAHO CODE, TO REVISE PROVISIONS REGARDING
41 SAFE HARBOR PROVISIONS; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY
42 THE ADDITION OF A NEW SECTION 18-8607, IDAHO CODE, TO PROVIDE FOR THE
43 CRIME OF HUMAN SEX TRAFFICKING; AMENDING CHAPTER 86, TITLE 18, IDAHO
44 CODE, BY THE ADDITION OF A NEW SECTION 18-8608, IDAHO CODE, TO PROVIDE
45 FOR THE CRIME OF HUMAN SEX TRAFFICKING OF A CHILD; AMENDING CHAPTER

1 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8609,
2 IDAHO CODE, TO PROVIDE FOR THE CRIME OF HUMAN LABOR TRAFFICKING; AMEND-
3 ING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
4 18-8610, IDAHO CODE, TO PROVIDE FOR THE CRIME OF HUMAN LABOR TRAFFICKING
5 OF A CHILD; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION
6 OF A NEW SECTION 18-8611, IDAHO CODE, TO PROVIDE THAT CERTAIN PROPERTY
7 SHALL BE SUBJECT TO FORFEITURE; AMENDING CHAPTER 86, TITLE 18, IDAHO
8 CODE, BY THE ADDITION OF A NEW SECTION 18-8612, IDAHO CODE, TO PROVIDE
9 FOR AN INVENTORY OF SEIZED PROPERTY; AMENDING CHAPTER 86, TITLE 18,
10 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8613, IDAHO CODE, TO
11 PROVIDE FOR A FORFEITURE REQUEST AND A REBUTTABLE PRESUMPTION; AMEND-
12 ING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
13 18-8614, IDAHO CODE, TO PROVIDE FOR PRESERVATION OF PROPERTY, A WAR-
14 RANT OF SEIZURE, AND PROTECTIVE ORDERS; AMENDING CHAPTER 86, TITLE 18,
15 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8615, IDAHO CODE, TO
16 PROVIDE FOR AN INSTITUTION OF PROCEEDINGS; AMENDING CHAPTER 86, TITLE
17 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8616, IDAHO CODE,
18 TO PROVIDE FOR FORFEITURE OF PERSONAL PROPERTY AND RIGHTS OF THIRD PAR-
19 TIES; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A
20 NEW SECTION 18-8617, IDAHO CODE, TO PROVIDE FOR FORFEITURE OF REAL PROP-
21 ERTY AND RIGHTS OF THIRD PARTIES; AMENDING CHAPTER 86, TITLE 18, IDAHO
22 CODE, BY THE ADDITION OF A NEW SECTION 18-8618, IDAHO CODE, TO PROVIDE
23 FOR PROPORTIONALITY; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE
24 ADDITION OF A NEW SECTION 18-8619, IDAHO CODE, TO PROVIDE FOR A BAR ON
25 INTERVENTION; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDI-
26 TION OF A NEW SECTION 18-8620, IDAHO CODE, TO PROVIDE FOR JURISDICTION
27 AND DEPOSITIONS; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE AD-
28 DITION OF A NEW SECTION 18-8621, IDAHO CODE, TO PROVIDE FOR DISPOSITION
29 OF PROPERTY; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDI-
30 TION OF A NEW SECTION 18-8622, IDAHO CODE, TO PROVIDE FOR FORFEITURE OF
31 SUBSTITUTE PROPERTY; AMENDING SECTION 16-1602, IDAHO CODE, TO PROVIDE
32 CORRECT CODE REFERENCES; AMENDING SECTION 18-7803, IDAHO CODE, TO RE-
33 VISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION
34 18-8303, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SEC-
35 TION 18-8304, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING
36 SECTION 18-8502, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMEND-
37 ING SECTION 19-5702, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE;
38 AMENDING SECTION 33-1208, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PRO-
39 VIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-1113, IDAHO CODE, TO
40 PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 49-335, IDAHO CODE,
41 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-3014, IDAHO
42 CODE, TO PROVIDE CORRECT CODE REFERENCES; AND DECLARING AN EMERGENCY
43 AND PROVIDING AN EFFECTIVE DATE.

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

45 SECTION 1. That the Heading for Chapter 56, Title 18, Idaho Code, be,
46 and the same is hereby amended to read as follows:

47 CHAPTER 56
48 ~~PROSTITUTION~~ COMMERCIAL SEXUAL ACTIVITY

1 SECTION 2. That Section 18-5601, Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 3. That Chapter 56, Title 18, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 18-5601, Idaho Code, and to read as follows:

6 18-5601. DEFINITIONS. As used in this chapter:

7 (1) "Benefits of such proceeds" includes but is not limited to any real
8 or personal property obtained with or by use of proceeds as defined in this
9 chapter; any debt, rent, or other financial obligation paid with proceeds as
10 defined in this chapter; and any service obtained in exchange for proceeds as
11 defined in this chapter.

12 (2) "Child" means a person under eighteen (18) years of age.

13 (3) "Commercial sexual activity" means the exchange, or the attempted
14 exchange, of sexual contact for a fee.

15 (4) "Fee" means any money, service, item of real or personal property,
16 contraband, or thing of value.

17 (5) "Intimate body parts" includes human genitals, pubic area, but-
18 tocks, or breasts.

19 (6) "Proceeds" means any money, services, item of real or personal
20 property, contraband, or thing of value paid or exchanged for sexual con-
21 tact.

22 (7) "Sexual contact" means any touching of the intimate body parts of
23 another person for the purpose of arousing or gratifying the sexual desire of
24 either party, including but not limited to sexual intercourse, oral-genital
25 contact, manual-genital contact, genital-anal contact, oral-anal contact,
26 and other physical-genital contact.

27 SECTION 4. That Section 18-5602, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 18-5602. PROCUREMENT -- DEFINITION AND PENALTY. Any person who in-
30 duces, compels, entices, or procures another person to engage in ~~acts as a~~
31 prostitute commercial sexual activity shall be guilty of a felony punishable
32 by imprisonment for a period of ~~not no~~ less than two (2) years ~~not~~ and no
33 than twenty (20) years, or by a fine of ~~not no~~ less than one thousand dollars
34 (\$1,000) ~~not~~ and no more than fifty thousand dollars (\$50,000), or by both
35 such fine and imprisonment.

36 SECTION 5. That Section 18-5603, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 18-5603. RECEIVING PAY FOR PROCUREMENT. Any person who knowingly re-
39 ceives ~~money or any object of value~~ a fee to procure a ~~prostitute~~ third person
40 to engage in commercial sexual activity shall be guilty of a felony punish-
41 able by imprisonment for a period of ~~not no~~ less than two (2) years ~~not~~ and
42 no more than twenty (20) years, or by a fine of ~~not no~~ less than one thousand
43 dollars (\$1,000) ~~not~~ and no more than fifty thousand dollars (\$50,000), or by
44 both such fine and imprisonment.

1 SECTION 6. That Section 18-5604, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 18-5604. PAYING FOR PROCUREMENT. Any person who pays another ~~money or~~
4 ~~any object of value~~ a fee to procure a third person to engage in ~~prostitution~~
5 commercial sexual activity shall be guilty of a felony punishable by impris-
6 onment for ~~not no~~ less than two (2) years ~~not~~ and no more than twenty (20)
7 years, or by a fine of ~~not no~~ less than one thousand dollars (\$1,000) ~~not~~ and
8 no more than fifty thousand dollars (\$50,000), or by both such fine and im-
9 prisonment.

10 SECTION 7. That Section 18-5605, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 18-5605. DETENTION FOR ~~PROSTITUTION~~ COMMERCIAL SEXUAL ACTIVITY. Any-
13 one who holds, detains, or restrains, or who attempts to hold, detain or re-
14 strain another person for the purpose of compelling such person to engage
15 in ~~prostitution~~ commercial sexual activity shall be guilty of a felony pun-
16 ishable by imprisonment for ~~not no~~ less than two (2) years ~~not~~ and no
17 than twenty (20) years, or by a fine of ~~not no~~ less than one thousand dollars
18 (\$1,000) ~~not~~ and no more than fifty thousand dollars (\$50,000), or by both
19 such fine and imprisonment.

20 SECTION 8. That Section 18-5606, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 18-5606. RECEIVING PROCEEDS OF ILLEGAL SEXUAL ACTIVITY. (1) Any per-
23 son who knowingly receives or accepts any proceeds, or the benefits of such
24 proceeds, derived from another person engaging in sexual contact shall be
25 guilty of a felony punishable by imprisonment for a period of not more than
26 twenty (20) years, or by a fine of not more than fifty thousand dollars
27 (\$50,000), or by both such fine and imprisonment.

28 ~~(2) As used in this section:~~

29 ~~(a) "Benefits of such proceeds" includes but is not limited to any real~~
30 ~~or personal property obtained with or by use of proceeds as defined in~~
31 ~~this subsection; any debt, rent, or other contractual obligation paid~~
32 ~~with proceeds as defined in this subsection; and any service obtained in~~
33 ~~exchange for proceeds as defined in this subsection.~~

34 ~~(b) "Proceeds" means any money, services, item of real or personal~~
35 ~~property, contraband, or thing of value paid or exchanged for sexual~~
36 ~~contact.~~

37 ~~(c) "Sexual contact" means any touching of the sexual organs or other~~
38 ~~intimate body parts of another person for the purpose of arousing or~~
39 ~~gratifying the sexual desire of either party, including but not limited~~
40 ~~to sexual intercourse, oral-genital contact, manual genital contact,~~
41 ~~genital-anal contact, oral-anal contact, and other physical-genital~~
42 ~~contact.~~

43 ~~(3)~~ (2) The person who provides sexual contact in exchange for pro-
44 ceeds, as set forth in subsection (1) of this section, and such person's
45 minor children or legal dependents incapable of self-support shall not be
46 criminally liable pursuant to this section.

1 SECTION 9. That Chapter 56, Title 18, Idaho Code, be, and the same is
 2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 3 ignated as Section 18-5607, Idaho Code, and to read as follows:

4 18-5607. INTERSTATE TRAFFICKING IN COMMERCIAL SEXUAL ACTIVITY. Any
 5 person who imports a person or persons into this state, or who exports a
 6 person or persons from this state, for the purpose of commercial sexual
 7 activity, or any person who induces, entices, or procures such activity,
 8 shall be guilty of a felony punishable by imprisonment for a period of no less
 9 than two (2) years and no more than twenty (20) years, or by a fine of no less
 10 than one thousand dollars (\$1,000), and no more than fifty thousand dollars
 11 (\$50,000), or by both such fine and imprisonment.

12 SECTION 10. That Section 18-5608, Idaho Code, be, and the same is hereby
 13 amended to read as follows:

14 18-5608. ~~HARBORING PROSTITUTES~~ PLACE OF COMMERCIAL SEXUAL ACTIV-
 15 ITY. Any person maintaining, controlling or supporting a ~~house of prostitu-~~
 16 ~~tion as defined in this chapter,~~ place where commercial sexual activity is
 17 carried on by one (1) or more persons under the control, management, or su-
 18 pervision of another shall be guilty of a felony punishable by imprisonment
 19 for ~~not no~~ less than two (2) years ~~not and no~~ more than twenty (20) years, or
 20 by a fine of ~~not no~~ less than one thousand dollars (\$1,000) ~~not and no~~ more
 21 than fifty thousand dollars (\$50,000), or by both such fine and imprison-
 22 ment.

23 SECTION 11. That Section 18-5609, Idaho Code, be, and the same is hereby
 24 amended to read as follows:

25 18-5609. ~~INDUCING PERSON UNDER EIGHTEEN YEARS OF AGE A CHILD INTO~~
 26 ~~PROSTITUTION~~ COMMERCIAL SEXUAL ACTIVITY -- PENALTIES. Every person who in-
 27 duces or attempts to induce a ~~person under the age of eighteen (18) years~~
 28 child to engage in ~~prostitution~~ commercial sexual activity shall be guilty
 29 of a felony punishable by imprisonment in the state penitentiary for a period
 30 of not less than two (2) years, which may be extended to life imprisonment,
 31 or by a fine not exceeding fifty thousand dollars (\$50,000), or by both such
 32 fine and imprisonment.

33 SECTION 12. That Section 18-5610, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 18-5610. ~~UTILIZING A PERSON UNDER EIGHTEEN YEARS OF AGE FOR PROSTITU-~~
 36 ~~TION~~ CHILD FOR COMMERCIAL SEXUAL ACTIVITY -- PENALTIES. ~~(1)~~ Every person who
 37 ~~exchanges or offers to exchange anything of value for sexual conduct or sex-~~
 38 ~~ual contact~~ engages in commercial sexual activity with a ~~person under the age~~
 39 ~~of eighteen (18) years~~ child shall be guilty of a felony punishable by im-
 40 prisonment in the state penitentiary for a period of not less than two (2)
 41 years, which may be extended to life imprisonment, or by a fine not exceeding
 42 fifty thousand dollars (\$50,000), or by both such imprisonment and fine.

43 ~~(2) As used in this section:~~

- 1 ~~(a) "Sexual conduct" means sexual intercourse or deviate sexual inter-~~
 2 ~~course.~~
 3 ~~(b) "Sexual contact" means any touching of the sexual organs or other~~
 4 ~~intimate parts of a person not married to the actor for the purpose of~~
 5 ~~arousing or gratifying the sexual desire of either party.~~
 6 ~~(c) "Anything of value" includes, but is not limited to, a fee, food,~~
 7 ~~shelter, clothing, medical care or membership in a criminal gang as de-~~
 8 ~~defined in section 18-8502, Idaho Code.~~

9 SECTION 13. That Section 18-5611, Idaho Code, be, and the same is hereby
 10 amended to read as follows:

11 18-5611. ~~INDUCING PERSON UNDER EIGHTEEN YEARS OF AGE TO PATRONIZE A~~
 12 ~~PROSTITUTE A CHILD TO ENGAGE IN COMMERCIAL SEXUAL ACTIVITY -- PENALTIES.~~ Any
 13 person who induces or attempts to induce a ~~person under the age of eighteen~~
 14 ~~(18) years to patronize a prostitute child to patronize a third person in~~
 15 ~~commercial sexual activity~~ shall be guilty of a felony.

16 SECTION 14. That Section 18-5612, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 18-5612. PROPERTY SUBJECT TO CRIMINAL FORFEITURE. (1) Any person who
 19 is found guilty of, who enters a plea of guilty or who is convicted of a vio-
 20 lation of section 18-5602 ~~or~~, 18-5603, 18-5604, 18-5605, 18-5606, 18-5608,
 21 18-5609, 18-5610, 18-5611, 18-5613, or 18-5614, Idaho Code, no matter the
 22 form of the judgment or order withholding judgment, shall forfeit to the
 23 state of Idaho:

- 24 (a) Any property constituting, or derived from, any proceeds the person
 25 obtained directly or indirectly as the result of such violation; and
 26 (b) Any of the person's property used, or intended to be used, in any
 27 manner or part to commit or to facilitate the commission of such viola-
 28 tion.

29 (2) The court, in imposing sentence on such person as described in sub-
 30 section (1) of this section, shall order, in addition to any other sentence
 31 imposed, that the person forfeit to the state of Idaho all property described
 32 in this section. The provisions of this chapter shall not be construed in
 33 any manner to prevent the state of Idaho, the attorney general or the appro-
 34 priate prosecuting attorney from requesting restitution pursuant to section
 35 19-5304, Idaho Code. The issue of criminal forfeiture shall be for the court
 36 alone, without submission to a jury, as a part of the sentencing procedure
 37 within the criminal action.

38 SECTION 15. That Section 18-5613, Idaho Code, be, and the same is hereby
 39 repealed.

40 SECTION 16. That Chapter 56, Title 18, Idaho Code, be, and the same is
 41 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 42 ignated as Section 18-5613, Idaho Code, and to read as follows:

43 18-5613. PROVIDING COMMERCIAL SEXUAL ACTIVITY. (1) A person is guilty
 44 of providing commercial sexual activity when such person:

1 (a) Engages in, offers to engage in, or agrees to engage in sexual con-
2 tact in return for a fee; or

3 (b) Loiters in or within view of any public place for the purpose of be-
4 ing hired to engage in sexual contact.

5 (2) Providing commercial sexual activity shall be a misdemeanor, pro-
6 vided, however, that on a third or subsequent conviction for commercial sex-
7 ual activity, it shall be a felony. For purposes of this subsection, a prior
8 conviction for prostitution counts as a conviction for providing commercial
9 sexual activity.

10 (3) It shall be an affirmative defense to providing commercial sexual
11 activity that the defendant was at the time of the alleged crime the victim of
12 conduct prohibited by section 18-8607, Idaho Code.

13 (4) Notwithstanding the provisions of subsections (1) and (2) of this
14 section, the provisions of this section do not apply to a child who is alleged
15 to have engaged in conduct that would, if committed by an adult, violate the
16 provisions of this section. A commercially sexually exploited child under
17 this subsection may be taken into shelter care by a peace officer pursuant
18 to section 16-1608, Idaho Code, if the conditions allowing emergency removal
19 are met.

20 SECTION 17. That Section 18-5614, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 18-5614. ~~PATRONIZING A PROSTITUTE SOLICITING COMMERCIAL SEXUAL AC-~~
23 ~~TIVITY.~~ (1) A person is guilty of ~~patronizing a prostitute soliciting~~ commercial sexual activity when he or she:

24 (a) Pays ~~or~~, offers, or agrees to pay another person a fee for the pur-
25 pose of engaging in ~~an act of sexual conduct or~~ sexual contact; ~~or~~

26 (b) ~~Enters or remains in a house of prostitution for the purpose of en-~~
27 ~~gaging in sexual conduct or sexual contact~~ Offers a third person to en-
28 gage in, or agrees to provide a third person to engage in, sexual contact
29 in return for a fee.

30 (2) ~~Patronizing a prostitute is~~ Soliciting commercial sexual activity
31 shall be a misdemeanor, provided that a ~~third~~ second or subsequent convic-
32 tion therefor shall be a felony. Any person convicted of a misdemeanor vio-
33 lation of this section shall be sentenced to a minimum period of confinement
34 of five (5) days in jail and may be sentenced to up to one (1) year in jail
35 or fined up to two thousand dollars (\$2,000), or both. The minimum period of
36 confinement shall be served in a county jail, and a court shall not have the
37 power to suspend, withhold, retain jurisdiction over, or commute the minimum
38 period of confinement imposed pursuant to this section.

39 SECTION 18. That Section 18-5620, Idaho Code, be, and the same is hereby
40 amended to read as follows:
41

42 18-5620. FORFEITURE REQUEST -- REBUTTABLE PRESUMPTION. (1) Property
43 subject to criminal forfeiture under the provisions of this chapter shall
44 not be ordered forfeited unless the attorney general or the appropriate
45 prosecuting attorney has filed a separate allegation within the criminal
46 proceeding seeking forfeiture of specific property as described in section
47 18-5612, Idaho Code. The attorney general or appropriate prosecuting at-

1 torney shall file, within fourteen (14) days of the filing of the criminal
 2 information or indictment, a separate part II forfeiture request and notice
 3 with the trial court.

4 (2) There is a rebuttable presumption that any property of a person sub-
 5 ject to the provisions of section 18-5612, Idaho Code, is subject to forfei-
 6 ture under this chapter if the state of Idaho establishes by a preponderance
 7 of the evidence that:

8 ~~(1) (a) The property was acquired by a person during the period of the~~
 9 ~~violation of either section 18-5609 (inducing a person under eighteen~~
 10 ~~years of age into prostitution) or section 18-5602 (procurement), Idaho~~
 11 ~~Code, any section of this chapter for which criminal forfeiture may be~~
 12 ~~ordered, pursuant to section 18-5612, Idaho Code, or within a reason-~~
 13 ~~able time after such violation; and~~

14 ~~(2) (b) There was no likely source for such property other than the~~
 15 ~~violation of either section 18-5609 (inducing a person under eighteen~~
 16 ~~years of age into prostitution) or section 18-5602 (procurement), Idaho~~
 17 ~~Code any section of this chapter for which criminal forfeiture may be~~
 18 ~~ordered, pursuant to section 18-5612, Idaho Code.~~

19 SECTION 19. That Section 18-5621, Idaho Code, be, and the same is hereby
 20 amended to read as follows:

21 18-5621. PRESERVATION OF PROPERTY -- WARRANT OF SEIZURE -- PROTECTIVE
 22 ORDERS. (1) Upon application of the state of Idaho, the court may enter a
 23 restraining order or injunction, require the execution of a satisfactory
 24 performance bond or take any other action to preserve the availability of
 25 property described in section 18-5612, Idaho Code, for forfeiture under the
 26 provisions of this chapter upon the filing of an indictment or information
 27 charging a violation of ~~either section 18-5609 (inducing a person under~~
 28 ~~eighteen years of age into prostitution) or section 18-5602 (procurement)-~~
 29 ~~any section of this chapter for which criminal forfeiture may be ordered,~~
 30 ~~pursuant to section 18-5612, Idaho Code, and alleging that the property with~~
 31 ~~respect to which the order is sought would, in the event of conviction, be~~
 32 ~~subject to forfeiture under this chapter.~~

33 (2) The state may request the issuance of a warrant authorizing the
 34 seizure of property subject to forfeiture under this chapter in the same man-
 35 ner as provided for a search warrant. If the court determines that there is
 36 probable cause to believe that the property to be seized would, in the event
 37 of conviction, be subject to forfeiture and that an order under subsection
 38 (1) of this section may not be sufficient to assure the availability of the
 39 property for forfeiture, the court shall issue a warrant authorizing the
 40 seizure of such property by the appropriate law enforcement agency upon such
 41 terms and conditions as the court shall deem proper.

42 (3) The court may, upon application of the state of Idaho, enter such
 43 appropriate restraining orders or injunctions, require the execution of
 44 satisfactory performance bonds, appoint receivers, conservators, ap-
 45 praisers, accountants or trustees, or take any other action to protect the
 46 interest of the state of Idaho in the property subject to forfeiture. Any
 47 income accruing to or derived from property subject to forfeiture under this
 48 chapter may be used to offset ordinary and necessary expenses to the property

1 that are required by law, or that are necessary to protect the interests of
2 the state of Idaho or third parties.

3 SECTION 20. That Section 18-8602, Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 21. That Chapter 86, Title 18, Idaho Code, be, and the same is
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
7 ignated as Section 18-8602, Idaho Code, and to read as follows:

8 18-8602. DEFINITIONS. As used in this chapter:

9 (1) "Coercion" means compulsion or a threat, including but not limited
10 to:

11 (a) Abusing or threatening abuse of the law or legal process against a
12 person or a third party;

13 (b) Causing a person, without the person's consent, to become intoxi-
14 cated to a degree that impairs the person's ability to appraise the na-
15 ture of or resist engaging in any conduct, including performing or pro-
16 viding labor or services;

17 (c) Destroying, concealing, confiscating, or withholding, or threat-
18 ening to destroy, conceal, confiscate, or withhold, a person's or a
19 third party's actual or purported government record or identifying in-
20 formation or identifying document;

21 (d) Threatening physical harm, financial harm, unwanted physical re-
22 straint, or any conduct that would be criminal under Idaho Code; or

23 (e) Withholding alcohol or a controlled substance to a degree that
24 impairs the ability of a person with a chemical dependency to appraise
25 the nature of or resist engaging in any conduct, including performing or
26 providing labor or services.

27 (2) "Child" means a person under eighteen (18) years of age.

28 (3) "Commercial sexual activity" means the exchange, or the attempted
29 exchange, of sexual contact for a fee.

30 (4) "Fee" means any money, service, item of real or personal property,
31 contraband, or thing of value.

32 (5) "Force" means the use of a weapon; the use of such physical strength
33 or violence as is sufficient to overcome, restrain, or injure a person; or
34 inflicting physical harm sufficient to compel submission by the victim.

35 (6) "Forced labor or services" means labor or services, other than la-
36 bor or services that constitute sexual contact, that are performed or pro-
37 vided by another person and obtained through an actor's use of force, fraud,
38 or coercion.

39 (7) "Fraud" means the intentional use of any deceit, trick, misrepre-
40 sentation, false statement, or some dishonest means to achieve a desired re-
41 sult.

42 (8) "Intimate body parts" includes human genitals, pubic area, but-
43 tocks, or breasts.

44 (9) "Sexual contact" means any touching of the intimate body parts of
45 another person for the purpose of arousing or gratifying the sexual desire of
46 either party, including but not limited to sexual intercourse, oral-genital
47 contact, manual-genital contact, genital-anal contact, oral-anal contact,
48 and other physical-genital contact.

1 (10) "Sexually explicit performance" means an act, show, production,
2 recording, or any form of pornography made for the purpose of arousing or
3 gratifying the sexual desire of any person.

4 (11) "Traffic" means to transport, entice, recruit, harbor, detain,
5 hold, provide, or otherwise obtain another person by any means.

6 SECTION 22. That Section 18-8603, Idaho Code, be, and the same is hereby
7 repealed.

8 SECTION 23. That Chapter 86, Title 18, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 18-8603, Idaho Code, and to read as follows:

11 18-8603. PENALTIES. (1) A person who commits human sex trafficking as
12 described in section 18-8607, Idaho Code, shall be guilty of a felony punish-
13 able by imprisonment for a period of no less than five (5) years and no more
14 than twenty-five (25) years, or by a fine of no less than fifteen thousand
15 dollars (\$15,000) and no more than eighty thousand dollars (\$80,000), or by
16 both such fine and imprisonment.

17 (2) A person who commits human sex trafficking of a child as described
18 in section 18-8608, Idaho Code, shall be guilty of a felony punishable by im-
19 prisonment for a period of no less than ten (10) years and no more than thirty
20 (30) years, or by a fine of no less than twenty thousand dollars (\$20,000) and
21 no more than one hundred thousand dollars (\$100,000), or by both such fine
22 and imprisonment.

23 (3) A person who commits human labor trafficking as described in sec-
24 tion 18-8609, Idaho Code, shall be guilty of a felony punishable by imprison-
25 ment for a period of no less than three (3) years and no more than twenty-five
26 (25) years, or by a fine of no less than ten thousand dollars (\$10,000) and no
27 more than eighty thousand dollars (\$80,000), or by both such fine and impris-
28 onment.

29 (4) A person who commits human labor trafficking of a child as described
30 in section 18-8610, Idaho Code, shall be guilty of a felony punishable by
31 imprisonment for a period of no less than five (5) years and no more than
32 twenty-five (25) years, or by a fine of no less than fifteen thousand dollars
33 (\$15,000) and no more than eighty thousand dollars (\$80,000), or by both such
34 fine and imprisonment.

35 SECTION 24. That Section 18-8604, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 18-8604. RESTITUTION -- REHABILITATION. (1) In addition to any other
38 amount of loss resulting from a ~~human trafficking~~ violation of section
39 18-8607, 18-8608, 18-8609, or 18-8610, Idaho Code, the court shall order
40 restitution, as applicable, including the greater of:

41 (a) The gross income or value to the defendant of the victim's labor or
42 services; or

43 (b) The value of the victim's labor as guaranteed under the minimum wage
44 and overtime provisions of the federal fair labor standards act.

45 (2) In addition to any order for restitution as provided in this sec-
46 tion, the court shall order the defendant to pay an amount determined by the

1 court to be necessary for the mental and physical rehabilitation of the vic-
2 tim or victims.

3 SECTION 25. That Section 18-8605, Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 26. That Chapter 86, Title 18, Idaho Code, be, and the same is
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
7 ignated as Section 18-8605, Idaho Code, and to read as follows:

8 18-8605. AUTHORITY OF THE ATTORNEY GENERAL. The attorney general
9 shall employ such attorneys, investigators, and other personnel as neces-
10 sary to carry out the following responsibilities using funds allocated to
11 the office of the attorney general for such purpose:

12 (1) To issue, by January 1 of each even-numbered year, a report outlin-
13 ing the status of the state's efforts to combat human trafficking and recom-
14 mending next steps one (1) or more bodies of state government should take to
15 eradicate human trafficking in Idaho;

16 (2) To compile and maintain curriculum for the training of prosecutors,
17 law enforcement, victim advocates, and the public on identifying, investi-
18 gating, and prosecuting human trafficking; and

19 (3) To assist, upon request, county prosecuting attorneys and other law
20 enforcement agencies in the investigation and prosecution of human traf-
21 ficking.

22 SECTION 27. That Section 18-8606, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 18-8606. SAFE HARBOR PROVISIONS. (1) Diversion of minor victim.

25 (a) When a minor is alleged to have committed any offense not listed in
26 section 18-310(2), Idaho Code, a prosecutor shall divert the offense
27 if the minor committed the offense as a direct and immediate result
28 of being a victim of human trafficking conduct prohibited by section
29 18-8607, 18-8608, 18-8609, or 18-8610, Idaho Code.

30 (b) If a minor has an offense diverted pursuant to paragraph (a) of this
31 subsection, the minor shall be placed in a state-licensed residential
32 facility, as defined in section 39-1202, Idaho Code, that provides a
33 comprehensive rehabilitative rehabilitation program with access to:

34 (i) Comprehensive case management;

35 (ii) Integrated mental health and chemical dependency services,
36 including specialized trauma recovery services;

37 (iii) Education and employment training services; and

38 (iv) Off-site specialized services, as appropriate.

39 (c) A diversion agreement under this subsection may extend for up to
40 twelve (12) months.

41 (d) Diversion shall only be available pursuant to this section if the
42 minor expresses a willingness to cooperate and receive specialized
43 services. If the minor is unwilling to cooperate with specialized ser-
44 vices, continuation of the diversion shall be at the discretion of the
45 court.

1 (2) A person charged with any offense not identified in section
2 18-310(2), Idaho Code, committed as a direct and immediate result of being a
3 victim of human trafficking conduct prohibited by section 18-8607, 18-8608,
4 18-8609, or 18-8610, Idaho Code, may assert an affirmative defense that the
5 person is a victim of human trafficking such conduct.

6 SECTION 28. That Chapter 86, Title 18, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
8 ignated as Section 18-8607, Idaho Code, and to read as follows:

9 18-8607. HUMAN SEX TRAFFICKING. A person commits the felony of human
10 sex trafficking if the person knowingly:

11 (1) Traffics another person and causes or attempts to cause, through
12 force, fraud, or coercion, the trafficked person to engage in or become the
13 victim of:

14 (a) Commercial sexual activity;

15 (b) A sexually explicit performance; or

16 (c) Conduct prohibited by:

17 (i) Section 18-5602 (procurement);

18 (ii) Section 18-5603 (receiving pay for procurement);

19 (iii) Section 18-5604 (paying for procurement);

20 (iv) Section 18-5605 (detention for commercial sexual activity);

21 (v) Section 18-5606 (receiving proceeds of illegal sexual activ-
22 ity);

23 (vi) Section 18-5608 (place of commercial sexual activity);

24 (vii) Section 18-5609 (inducing a child into commercial sexual ac-
25 tivity);

26 (viii) Section 18-5610 (utilizing a child for commercial sexual
27 activity);

28 (ix) Section 18-5611 (inducing a child to engage in commercial
29 sexual activity);

30 (x) Section 18-5613 (providing commercial sexual activity); or

31 (xi) Section 18-5614 (soliciting commercial sexual activity);

32 (2) Engages in sexual contact with a person being trafficked in the man-
33 ner described in subsection (1) of this section; or

34 (3) Receives any benefit from participating in a venture that involves
35 an activity described in subsection (1) of this section.

36 SECTION 29. That Chapter 86, Title 18, Idaho Code, be, and the same is
37 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
38 ignated as Section 18-8608, Idaho Code, and to read as follows:

39 18-8608. HUMAN SEX TRAFFICKING OF A CHILD. A person who is eighteen
40 (18) years of age or older commits the felony of human sex trafficking of a
41 child if the person:

42 (1) Traffics a child and knowingly, by any means, causes or attempts to
43 cause the trafficked person to engage in or become the victim of:

44 (a) Commercial sexual activity;

45 (b) A sexually explicit performance; or

46 (c) Conduct prohibited by:

47 (i) Section 18-924 (sexual battery);

- 1 (ii) Section 18-925 (aggravated sexual battery);
 2 (iii) Section 18-1601 (rape);
 3 (iv) Section 18-1506 (sexual abuse of a child under sixteen
 4 years);
 5 (v) Section 18-1507 (sexual exploitation of a child);
 6 (vi) Section 18-1507A (sexual exploitation of a child by elec-
 7 tronic means);
 8 (vii) Section 18-1508 (lewd conduct with a minor child under six-
 9 teen);
 10 (viii) Section 18-1508A (sexual battery of a minor child sixteen
 11 or seventeen years of age);
 12 (ix) Section 18-5602 (procurement);
 13 (x) Section 18-5603 (receiving pay for procurement);
 14 (xi) Section 18-5604 (paying for procurement);
 15 (xii) Section 18-5605 (detention for commercial sexual activity);
 16 (xiii) Section 18-5606 (receiving proceeds of illegal sexual ac-
 17 tivity);
 18 (xiv) Section 18-5608 (place of commercial sexual activity);
 19 (xv) Section 18-5609 (inducing a child into commercial sexual ac-
 20 tivity);
 21 (xvi) Section 18-5610 (utilizing a child for commercial sexual ac-
 22 tivity);
 23 (xvii) Section 18-5611 (inducing a child to engage in commercial
 24 sexual activity);
 25 (xviii) Section 18-5613 (providing commercial sexual activity);
 26 (xix) Section 18-5614 (soliciting commercial sexual activity);
 27 (xx) Section 18-6601 (incest);
 28 (xxi) Section 18-6602 (sexual abuse of an animal);
 29 (xxii) Section 18-6603 (sexual abuse of human remains); or
 30 (xxiii) Section 18-6604 (forcible penetration by use of a foreign
 31 object);

32 (2) Engages in sexual contact with a child being trafficked in the man-
 33 ner described in subsection (1) of this section; or

34 (3) Receives any benefit from participating in a venture knowing that
 35 the venture involves an activity described in subsection (1) of this sec-
 36 tion.

37 SECTION 30. That Chapter 86, Title 18, Idaho Code, be, and the same is
 38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 39 ignated as Section 18-8609, Idaho Code, and to read as follows:

40 18-8609. HUMAN LABOR TRAFFICKING. A person commits the felony of human
 41 labor trafficking if the person knowingly:

42 (1) Traffics another person with the intent that the trafficked person
 43 engage in forced labor or services; or

44 (2) Receives any benefit from participating in a venture that involves
 45 an activity described in subsection (1) of this section, including by re-
 46 ceiving labor or services the person knows are forced labor or services.

1 SECTION 31. That Chapter 86, Title 18, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 18-8610, Idaho Code, and to read as follows:

4 18-8610. HUMAN LABOR TRAFFICKING OF A CHILD. A person commits the
5 felony of human labor trafficking of a child if the person knowingly:

6 (1) Traffics a child with the intent that the trafficked child engage in
7 forced labor or services; or

8 (2) Receives any benefit from participating in a venture that involves
9 an activity described in subsection (1) of this section, including by re-
10 ceiving labor or services the person knows are forced labor or services.

11 SECTION 32. That Chapter 86, Title 18, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 18-8611, Idaho Code, and to read as follows:

14 18-8611. PROPERTY SUBJECT TO FORFEITURE. (1) Any person who is found
15 guilty of, who enters a plea of guilty for, or who is convicted of a viola-
16 tion of section 18-8607, 18-8608, 18-8609, or 18-8610, Idaho Code, no matter
17 the form of the judgment or order withholding judgment, shall forfeit to the
18 state of Idaho:

19 (a) Any property constituting, or derived from, any proceeds the person
20 obtained directly or indirectly as the result of such violation; and

21 (b) Any of the person's property used, or intended to be used, in any
22 manner or part to commit or to facilitate the commission of such viola-
23 tion.

24 (2) The court, in imposing a sentence on such person as described in
25 subsection (1) of this section, shall order, in addition to any other sen-
26 tence imposed, that the person forfeit to the state of Idaho all property de-
27 scribed in this section. The provisions of this chapter shall not be con-
28 strued in any manner to prevent the state of Idaho, the attorney general, or
29 the appropriate prosecuting attorney from requesting restitution pursuant
30 to section 19-5304, Idaho Code. The issue of criminal forfeiture shall be
31 for the court alone, without submission to a jury, as a part of the sentencing
32 procedure within the criminal action.

33 (3) With respect to property ordered forfeited under the provisions of
34 this chapter, the attorney general or appropriate prosecuting attorney is
35 authorized to:

36 (a) Restore forfeited property to victims of a violation of relevant
37 provisions of this chapter or take any other action to protect the
38 rights of innocent persons that is in the interest of justice and that is
39 not inconsistent with the provisions of this chapter;

40 (b) Compromise claims arising under this chapter;

41 (c) Award compensation to persons providing information resulting in a
42 forfeiture under this chapter; and

43 (d) Take appropriate measures necessary to safeguard and maintain
44 property ordered forfeited under this chapter pending its disposition.

45 (4) Property subject to criminal forfeiture under this chapter in-
46 cludes:

47 (a) Real property, including things growing on, affixed to, or found on
48 the land; and

1 (b) Tangible and intangible personal property, including rights, priv-
2 ileges, interests, claims, and securities.

3 SECTION 33. That Chapter 86, Title 18, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 18-8612, Idaho Code, and to read as follows:

6 18-8612. INVENTORY. Any peace officer of this state seizing property
7 subject to forfeiture under the provisions of this chapter shall cause a
8 written inventory to be made and shall maintain custody of the same until all
9 legal actions have been exhausted. A copy of the inventory shall be sent,
10 within five (5) days of the seizure, to the director of the Idaho state po-
11 lice. Upon completion of the forfeiture action, pursuant to this chapter, a
12 final inventory shall be made that indicates the disposition of the seized
13 property, and a copy of that inventory shall also be sent to the director of
14 the Idaho state police.

15 SECTION 34. That Chapter 86, Title 18, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 18-8613, Idaho Code, and to read as follows:

18 18-8613. FORFEITURE REQUEST -- REBUTTABLE PRESUMPTION. (1) Property
19 subject to criminal forfeiture under the provisions of this chapter shall
20 not be ordered forfeited unless the attorney general or the appropriate
21 prosecuting attorney has filed a separate allegation within the criminal
22 proceeding seeking forfeiture of specific property as described in section
23 18-8611, Idaho Code. The attorney general or appropriate prosecuting at-
24 torney shall file, within fourteen (14) days of the filing of the criminal
25 information or indictment, a separate part II forfeiture request and notice
26 with the trial court.

27 (2) There shall be a rebuttable presumption that any property of a per-
28 son subject to the provisions of section 18-8611, Idaho Code, is subject to
29 forfeiture under this chapter if the state of Idaho establishes by a prepon-
30 derance of the evidence that:

31 (a) The property was acquired by a person during the period of the vio-
32 lation of any section of this chapter for which criminal forfeiture may
33 be ordered, pursuant to section 18-8611, Idaho Code, or within a reason-
34 able time after such violation; and

35 (b) There was no likely source for such property other than the viola-
36 tion of any section of this chapter for which criminal forfeiture may be
37 ordered, pursuant to section 18-8611, Idaho Code.

38 SECTION 35. That Chapter 86, Title 18, Idaho Code, be, and the same is
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
40 ignated as Section 18-8614, Idaho Code, and to read as follows:

41 18-8614. PRESERVATION OF PROPERTY -- WARRANT OF SEIZURE -- PROTECTIVE
42 ORDERS. (1) Upon application of the state of Idaho, the court may enter a
43 restraining order or injunction, require the execution of a satisfactory
44 performance bond, or take any other action to preserve the availability of
45 property described in section 18-8611, Idaho Code, for forfeiture under

1 the provisions of this chapter upon the filing of an indictment or informa-
2 tion charging a violation of any section of this chapter for which criminal
3 forfeiture may be ordered, pursuant to section 18-8611, Idaho Code, and al-
4 leging that the property with respect to which the order is sought would, in
5 the event of conviction, be subject to forfeiture under this chapter.

6 (2) The state may request the issuance of a warrant authorizing the
7 seizure of property subject to forfeiture under this chapter in the same man-
8 ner as provided for a search warrant. If the court determines that there is
9 probable cause to believe that the property to be seized would, in the event
10 of conviction, be subject to forfeiture and that an order under subsection
11 (1) of this section may not be sufficient to assure the availability of the
12 property for forfeiture, the court shall issue a warrant authorizing the
13 seizure of such property by the appropriate law enforcement agency upon such
14 terms and conditions as the court shall deem proper.

15 (3) The court may, upon application of the state of Idaho, enter such
16 appropriate restraining orders or injunctions, require the execution of
17 satisfactory performance bonds, appoint receivers, conservators, apprais-
18 ers, accountants, or trustees, or take any other action to protect the
19 interest of the state of Idaho in the property subject to forfeiture. Any
20 income accruing to or derived from property subject to forfeiture under this
21 chapter may be used to offset ordinary and necessary expenses related to
22 the property that are required by law, or that are necessary to protect the
23 interests of the state of Idaho or third parties.

24 SECTION 36. That Chapter 86, Title 18, Idaho Code, be, and the same is
25 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
26 ignated as Section 18-8615, Idaho Code, and to read as follows:

27 18-8615. INSTITUTION OF PROCEEDINGS -- THIRD PARTIES. Upon the filing
28 of a part II forfeiture request pursuant to section 18-8613, Idaho Code, or
29 in the event of seizure pursuant to a warrant of seizure, or upon entry of
30 an order of forfeiture pursuant to section 18-8611, Idaho Code, the attor-
31 ney general or appropriate prosecuting attorney shall, if appropriate, in-
32 stitute proceedings pursuant to section 18-8616 or 18-8617, Idaho Code, or
33 both, within five (5) days of such event.

34 SECTION 37. That Chapter 86, Title 18, Idaho Code, be, and the same is
35 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
36 ignated as Section 18-8616, Idaho Code, and to read as follows:

37 18-8616. PERSONAL PROPERTY -- RIGHTS OF THIRD PARTIES. (1) Within
38 five (5) days of any of the events specified in section 18-8615, Idaho Code,
39 notice, including a copy of the request for forfeiture, shall be given to
40 each co-owner or party in interest who has or claims any right, title, or
41 interest in any such personal property according to one (1) of the following
42 methods:

43 (a) Upon each co-owner of or party in interest in a titled motor vehi-
44 cle, aircraft, or other conveyance, by mailing notice by certified mail
45 to the address of each co-owner and party in interest as documented in
46 the records of the appropriate department of state or federal govern-
47 ment where records relating to such conveyances are maintained;

1 (b) Upon each secured party and assignee designated as such in any UCC-1
2 financing statement on file in an appropriate filing office covering
3 any personal property sought to be forfeited, by mailing notice by
4 certified mail to the secured party and the assignee, if any, at their
5 respective addresses as shown on such financing statement; or

6 (c) Upon each co-owner or party in interest whose name and address is
7 known, by mailing notice by registered mail to the last known address of
8 such person.

9 (2) Within twenty (20) days after the mailing of the notice, the
10 co-owner or party in interest may file a verified answer and claim to the
11 property described in the notice.

12 (3) If a verified answer is filed within twenty (20) days after mailing
13 of the notice, the forfeiture proceeding against all co-owners and parties
14 in interest who have filed verified answers shall be set for hearing before
15 the court without a jury on a day not less than sixty (60) days after the mail-
16 ing of the notice, and the proceeding shall have priority over other civil
17 cases.

18 (a) At the hearing, any co-owner or party in interest who has a verified
19 answer on file may show by competent evidence that his interest in the
20 titled motor vehicle, aircraft, or other conveyance is not subject to
21 forfeiture because he could not have known in the exercise of reasonable
22 diligence that the titled motor vehicle, aircraft, or other conveyance
23 was being used, had been used, or was intended to be used for the pur-
24 poses described in section 18-8611, Idaho Code.

25 (b) A co-owner or claimant of any right, title, or interest in the prop-
26 erty may prove that his right, title, or interest, whether under a lien,
27 mortgage, security agreement, conditional sales contract, or other-
28 wise, was created without any knowledge or reason to believe that the
29 property was being used, had been used, or was intended to be used for
30 the purpose alleged.

31 (i) In the event of such proof, the court shall order that por-
32 tion of the property or interest released to the bona fide or inno-
33 cent co-owner, purchaser, lienholder, mortgagee, secured party,
34 or conditional sales vendor.

35 (ii) If the amount due to such person is less than the value of the
36 property, the property may be sold at public auction or in another
37 commercially reasonable method by the attorney general or appro-
38 priate prosecuting attorney. If sold at public auction, the at-
39 torney general or appropriate prosecuting attorney shall publish
40 a notice of the sale in at least one (1) publication in a newspaper
41 published and circulated in the city, community, or locality where
42 the sale is to take place at least one (1) week prior to sale of the
43 property. The proceeds from such sale shall be distributed as fol-
44 lows in the order indicated:

45 1. To the bona fide or innocent co-owner, purchaser, con-
46 ditional sales vendor, lienholder, mortgagee, or secured
47 party of the property, if any, up to the value of his interest
48 in the property; and

49 2. The balance, if any, in the following order:

1 (A) To the attorney general or appropriate prosecut-
2 ing attorney for all expenditures made or incurred in
3 connection with the sale, including expenditure for
4 any necessary repairs, storage, or transportation of
5 the property, and for all expenditures made or incurred
6 by him in connection with the forfeiture proceedings,
7 including but not limited to expenditures for witness
8 fees, reporter fees, transcripts, printing, travel,
9 and investigation;

10 (B) To the law enforcement agency of this state that
11 seized the property for all expenditures for travel,
12 investigation, storage, and other expenses made or
13 incurred after the seizure and in connection with the
14 forfeiture of any property seized under the provisions
15 of this chapter; and

16 (C) The remainder, if any, to the crime victims com-
17 pensation account as established in section 72-1009,
18 Idaho Code.

19 (4) Notwithstanding any other provision of this section, upon being
20 satisfied that the interest of a co-owner or claimant should not be subject
21 to forfeiture because they neither knew nor should have known that the per-
22 sonal property was being used or had been used for the purposes alleged, or
23 that due to preexisting security interests in such property there is no eq-
24 uity that may be forfeited, the attorney general or appropriate prosecuting
25 attorney may release the property to the co-owner, holder of the security
26 interest, or other claimant.

27 (5) In any case, the attorney general or appropriate prosecuting attor-
28 ney may, within thirty (30) days after order of forfeiture, pay the balance
29 due to the bona fide lienholder, mortgagee, secured party, or conditional
30 sales vendor and thereby purchase the property for use to enforce this chap-
31 ter.

32 SECTION 38. That Chapter 86, Title 18, Idaho Code, be, and the same is
33 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
34 ignated as Section 18-8617, Idaho Code, and to read as follows:

35 18-8617. REAL PROPERTY -- RIGHTS OF THIRD PARTIES. (1) Real property
36 subject to forfeiture under the provisions of this chapter may be seized by
37 the attorney general or appropriate prosecuting attorney upon determining
38 that a parcel of property is subject to forfeiture by filing a notice of
39 seizure with the recorder of the county in which the property or any part
40 thereof is situated. The notice must contain a legal description of the
41 property sought to be forfeited; provided, however, that in the event the
42 property sought to be forfeited is part of a greater parcel, the attorney
43 general or appropriate prosecuting attorney may, for the purposes of the
44 notice, use the legal description of the greater parcel. The attorney gen-
45 eral or appropriate prosecuting attorney shall also send by certified mail a
46 copy of the notice of seizure to any persons holding a recorded interest or
47 of whose interest the attorney general or appropriate prosecuting attorney
48 has actual knowledge. The attorney general or appropriate prosecuting at-
49 torney shall post a similar copy of the notice conspicuously on the property

1 and publish a copy thereof once a week for three (3) consecutive weeks imme-
2 diately following the seizure in a newspaper published in the county. The
3 co-owner or party in lawful possession of the property sought to be forfeited
4 may retain possession and use thereof and may collect and keep income from
5 the property while the forfeiture proceedings are pending.

6 (2) In the event of a seizure pursuant to subsection (1) of this sec-
7 tion, a request for forfeiture shall be filed with the trial court within
8 the time limit imposed by section 18-8613, Idaho Code. The request shall be
9 served in the same manner as complaints subject to Idaho rules of civil pro-
10 cedure on all persons having an interest in the real property sought to be
11 forfeited.

12 (3) Notwithstanding any other provision of this section, upon being
13 satisfied that the interest of a co-owner or claimant should not be subject
14 to forfeiture because they neither knew nor should have known that the real
15 property was being used or had been used for the purposes alleged, or that due
16 to preexisting security interests in such property there is no equity that
17 may be forfeited, the attorney general or appropriate prosecuting attorney
18 may release the property to the co-owner, holder of the security interest, or
19 other claimant.

20 (4) Within twenty (20) days of the mailing of the notice, the co-owner
21 or party in interest may file a verified answer and claim to the property de-
22 scribed in the notice.

23 (5) If a verified answer is filed within twenty (20) days after mailing
24 of the notice, the forfeiture proceeding against all co-owners and parties
25 in interest who have filed verified answers shall be set for hearing before
26 the court without a jury on a day not less than sixty (60) days after the mail-
27 ing of the notice, and the proceeding shall have priority over other civil
28 cases.

29 (a) A co-owner or claimant of any right, title, or interest in the real
30 property sought to be forfeited may prove that his right, title, or in-
31 terest, whether under a lien, mortgage, deed of trust, or otherwise, was
32 created without any knowledge or reason to believe that the real prop-
33 erty was being used or had been used for the purposes alleged.

34 (b) Any co-owner who has a verified answer on file may show by competent
35 evidence that his interest in the property sought to be forfeited is not
36 subject to forfeiture because he could not have known in the exercise of
37 reasonable diligence that the real property was being used or had been
38 used in any manner in violation of the provisions of section 18-8611,
39 Idaho Code.

40 (6) In the event of such proof, the court shall order the release of the
41 interest of the co-owner, purchaser, lienholder, mortgagee, or beneficiary.

42 (a) If the amount due to such person is less than the value of the real
43 property, the real property may be sold in a commercially reasonable
44 manner by the attorney general or appropriate prosecuting attorney.
45 The proceeds from such sale shall be distributed as follows in the order
46 indicated:

47 (i) To the innocent co-owner, purchaser, mortgagee, or benefi-
48 ciary of the real property, if any, up to the value of his interest
49 in the real property; and

50 (ii) The balance, if any, in the following order:

1 1. To the attorney general or appropriate prosecuting at-
2 torney for all expenditures made or incurred in connection
3 with the sale, including expenditure for any necessary re-
4 pairs or maintenance of the real property, and for all expen-
5 ditures made or incurred in connection with the forfeiture
6 proceedings, including but not limited to expenditures for
7 witness fees, reporter fees, transcripts, printing, travel,
8 investigation, title company fees, and insurance premiums;
9 and

10 2. The remainder, if any, to the crime victims compensation
11 account as established in section 72-1009, Idaho Code.

12 (b) In any case, the attorney general or appropriate prosecuting at-
13 torney may, within thirty (30) days after the order of forfeiture, pay
14 the balance due to the innocent co-owner, purchaser, lienholder, mort-
15 gagee, or beneficiary and thereby purchase the real property for use in
16 the enforcement of this chapter.

17 SECTION 39. That Chapter 86, Title 18, Idaho Code, be, and the same is
18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
19 ignated as Section 18-8618, Idaho Code, and to read as follows:

20 18-8618. PROPORTIONALITY. In issuing any order under the provisions
21 of this chapter, the court shall make a determination that the property, or
22 a portion thereof in the case of real property, was actually used in viola-
23 tion of the relevant provisions of this chapter. The size of the property
24 forfeited shall not be unfairly disproportionate to the size of the property
25 actually used in violation of the provisions of this chapter.

26 SECTION 40. That Chapter 86, Title 18, Idaho Code, be, and the same is
27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
28 ignated as Section 18-8619, Idaho Code, and to read as follows:

29 18-8619. BAR ON INTERVENTION. Except as provided in sections 18-8616
30 and 18-8617, Idaho Code, no party claiming an interest in property subject to
31 forfeiture under this section may:

32 (1) Intervene in a trial or appeal of a criminal case involving the for-
33 feiture of such property under the provisions of this chapter; or

34 (2) Commence an action at law or equity against the state of Idaho con-
35 cerning the validity of his alleged interest in the property subsequent to
36 the filing of an indictment or information alleging that the property is sub-
37 ject to forfeiture under this chapter.

38 SECTION 41. That Chapter 86, Title 18, Idaho Code, be, and the same is
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
40 ignated as Section 18-8620, Idaho Code, and to read as follows:

41 18-8620. JURISDICTION -- DEPOSITIONS. (1) The district courts of the
42 state of Idaho shall have jurisdiction over:

43 (a) Property for which forfeiture is sought that is within the state at
44 the time the action is filed; and

1 (b) The interest of a co-owner or interest holder in the property, if
2 the co-owner or interest holder is subject to personal jurisdiction in
3 this state.

4 (2) In order to facilitate the identification and location of property
5 declared forfeited after the entry of an order declaring property forfeited
6 to the state of Idaho, the court may, upon application of the state of Idaho,
7 order that the testimony of any witness relating to the property forfeited be
8 taken by deposition and that any designated book, paper, document, record,
9 recording, or other material not privileged be produced at the same time and
10 place, in the same manner as provided for the taking of depositions under
11 rule 27 of the Idaho rules of civil procedure.

12 SECTION 42. That Chapter 86, Title 18, Idaho Code, be, and the same is
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
14 ignated as Section 18-8621, Idaho Code, and to read as follows:

15 18-8621. DISPOSITION OF PROPERTY. On the motion of a party and after
16 notice to any persons who are known to have an interest in the property and
17 an opportunity to be heard, the court may order property that has been seized
18 for forfeiture sold, leased, rented, or operated to satisfy an interest of
19 any interest holder who has timely filed a proper claim or to preserve the in-
20 terests of any party. The court may order a sale or any other disposition of
21 the property if the property may perish, waste, be foreclosed on, or other-
22 wise be significantly reduced in value or if the expenses of maintaining the
23 property are or will become greater than its fair market value. If the court
24 orders a sale, the court shall designate a third party or state property man-
25 ager to dispose of the property by public sale or other commercially reason-
26 able method and shall distribute the proceeds in the following order of pri-
27 ority:

28 (1) Payment of reasonable expenses incurred in connection with the
29 sale;

30 (2) Satisfaction of exempt interests in the order of their priority;
31 and

32 (3) Preservation of the balance, if any, in the actual or constructive
33 custody of the court in an interest-bearing account, subject to further pro-
34 ceedings under the provisions of this chapter. When property is forfeited
35 under this chapter, the attorney general or appropriate prosecuting attor-
36 ney may:

37 (a) Retain it for official use; or

38 (b) Sell it if it is not required to be destroyed by law and is not harm-
39 ful to the public, pursuant to section 18-8616 or 18-8617, Idaho Code.

40 SECTION 43. That Chapter 86, Title 18, Idaho Code, be, and the same is
41 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
42 ignated as Section 18-8622, Idaho Code, and to read as follows:

43 18-8622. FORFEITURE OF SUBSTITUTE PROPERTY. If any of the property de-
44 scribed in section 18-8611, Idaho Code, as a result of any act or omission of
45 the defendant: (1) cannot be located upon the exercise of due diligence; (2)
46 has been transferred or sold to, or deposited with, a third party; (3) has
47 been placed beyond the jurisdiction of the court; (4) has been substantially

1 diminished in value; or (5) has been commingled with other property that can-
 2 not be divided without difficulty, then the court shall order the forfeiture
 3 of any other property of the defendant up to the value of any property de-
 4 scribed in section 18-8611, Idaho Code.

5 SECTION 44. That Section 16-1602, Idaho Code, be, and the same is hereby
 6 amended to read as follows:

7 16-1602. DEFINITIONS. For purposes of this chapter:

8 (1) "Abused" means any case in which a child has been the victim of:

9 (a) Conduct or omission resulting in skin bruising, bleeding, mal-
 10 nutrition, burns, fracture of any bone, head injury, soft tissue
 11 swelling, failure to thrive or death, and such condition or death is not
 12 justifiably explained, or where the history given concerning such con-
 13 dition or death is at variance with the degree or type of such condition
 14 or death, or the circumstances indicate that such condition or death may
 15 not be the product of an accidental occurrence; or

16 (b) Sexual conduct, including rape, molestation, incest, ~~prostitution~~
 17 commercial sexual activity, obscene or pornographic photographing,
 18 filming or depiction for commercial purposes, human trafficking as
 19 defined in ~~section 18-8602 chapter 86, title 18,~~ Idaho Code, or other
 20 similar forms of sexual exploitation harming or threatening the child's
 21 health or welfare or mental injury to the child.

22 (2) "Abandoned" means the failure of the parent to maintain a normal
 23 parental relationship with his child including, but not limited to, reason-
 24 able support or regular personal contact. Failure to maintain this rela-
 25 tionship without just cause for a period of one (1) year shall constitute
 26 prima facie evidence of abandonment.

27 (3) "Adaptive equipment" means any piece of equipment or any item that
 28 is used to increase, maintain or improve the parenting capabilities of a par-
 29 ent with a disability.

30 (4) "Adjudicatory hearing" means a hearing to determine:

31 (a) Whether the child comes under the jurisdiction of the court pur-
 32 suant to the provisions of this chapter;

33 (b) Whether continuation of the child in the home would be contrary to
 34 the child's welfare and whether the best interest of the child requires
 35 protective supervision or vesting legal custody of the child in an au-
 36 thorized agency.

37 (5) "Age of developmentally appropriate" means:

38 (a) Activities that are generally accepted as suitable for children of
 39 the same chronological age or level of maturity or that are determined
 40 to be developmentally appropriate for a child, based on the development
 41 of cognitive, emotional, physical and behavioral capacities that are
 42 typical for an age or age group; and

43 (b) In the case of a specific child, activities or items that are suit-
 44 able for the child based on the developmental stages attained by the
 45 child with respect to the cognitive, emotional, physical and behavioral
 46 capacities of the child.

47 (6) "Aggravated circumstances" includes, but is not limited to:

48 (a) Circumstances in which the parent has engaged in any of the follow-
 49 ing:

1 (i) Abandonment, chronic abuse or chronic neglect of the child.
2 Chronic neglect or chronic abuse of a child shall consist of abuse
3 or neglect that is so extreme or repetitious as to indicate that
4 return of the child to the home would result in unacceptable risk
5 to the health and welfare of the child.

6 (ii) Sexual abuse against a child of the parent. Sexual abuse, for
7 the purposes of this section, includes any conduct described in
8 section 18-1506, 18-1506A, 18-1507, 18-1508, 18-1508A, 18-6101,
9 or 18-6604, or ~~18-8602~~ chapter 86, title 18, Idaho Code.

10 (iii) Torture of a child. Any conduct listed in section
11 18-8303(1), Idaho Code; battery or an injury to a child that re-
12 sults in serious or great bodily injury to a child; voluntary
13 manslaughter of a child, or aiding or abetting such voluntary
14 manslaughter, soliciting such voluntary manslaughter or attempt-
15 ing or conspiring to commit such voluntary manslaughter;

16 (b) The parent has committed murder, aided or abetted a murder, so-
17 licited a murder or attempted or conspired to commit murder; or

18 (c) The parental rights of the parent to another child have been termi-
19 nated involuntarily.

20 (7) "Authorized agency" means the department, a local agency, a person,
21 an organization, corporation, benevolent society or association licensed
22 or approved by the department or the court to receive children for control,
23 care, maintenance or placement.

24 (8) "Caregiver" means a foster parent with whom a child in foster care
25 has been placed or a designated official for a child care institution in
26 which a child in foster care has been placed.

27 (9) "Case plan hearing" means a hearing to approve, modify or reject the
28 case plan as provided in section 16-1621, Idaho Code.

29 (10) "Child" means an individual who is under the age of eighteen (18)
30 years.

31 (11) "Child advocacy center" or "CAC" means an organization that ad-
32 heres to national best practice standards established by the national
33 membership and accrediting body for children's advocacy centers and that
34 promotes a comprehensive and coordinated multidisciplinary team response to
35 allegations of child abuse by maintaining a child-friendly facility at which
36 appropriate services are provided. These services may include forensic in-
37 terviews, forensic medical examinations, mental health services and other
38 related victim services.

39 (12) "Circumstances of the child" includes, but is not limited to, the
40 joint legal custody or joint physical custody of the child.

41 (13) "Commit" means to transfer legal and physical custody.

42 (14) "Concurrent planning" means a planning model that prepares for and
43 implements different outcomes at the same time.

44 (15) "Court" means district court or magistrate division thereof or, if
45 the context requires, a magistrate or judge thereof.

46 (16) "Custodian" means a person, other than a parent or legal guardian,
47 to whom legal or joint legal custody of the child has been given by court or-
48 der.

49 (17) "Department" means the department of health and welfare and its au-
50 thorized representatives.

1 (18) "Disability" means, with respect to an individual, any mental or
2 physical impairment that substantially limits one (1) or more major life
3 activities of the individual including, but not limited to, self-care, man-
4 ual tasks, walking, seeing, hearing, speaking, learning or working, or a
5 record of such an impairment, or being regarded as having such an impairment.
6 Disability shall not include transvestism, transsexualism, pedophilia,
7 exhibitionism, voyeurism, other sexual behavior disorders, or substance use
8 disorders, compulsive gambling, kleptomania or pyromania. Sexual prefer-
9 ence or orientation is not considered an impairment or disability. Whether
10 an impairment substantially limits a major life activity shall be determined
11 without consideration of the effect of corrective or mitigating measures
12 used to reduce the effects of the impairment.

13 (19) "Family or household member" shall have the same meaning as in sec-
14 tion 39-6303(6), Idaho Code.

15 (20) "Foster care" means twenty-four (24) hour substitute parental care
16 for children placed away from their parents or guardians by persons who may
17 or may not be related to the children and for whom the state agency has place-
18 ment and care responsibility.

19 (21) "Foster parent" means a person or persons licensed to provide fos-
20 ter care.

21 (22) "Grant administrator" means the supreme court or any organization
22 or agency as may be designated by the supreme court in accordance with such
23 procedures as may be adopted by the supreme court. The grant administrator
24 shall administer funds from the guardian ad litem account in accordance with
25 the provisions of this chapter.

26 (23) "Guardian ad litem" means a person appointed by the court pursuant
27 to a guardian ad litem volunteer program to act as special advocate for a
28 child under this chapter.

29 (24) "Guardian ad litem coordinator" means a person or entity receiving
30 moneys from the grant administrator for the purpose of carrying out any of
31 the duties set forth in section 16-1632, Idaho Code.

32 (25) "Guardian ad litem program" means the program to recruit, train and
33 coordinate volunteer persons to serve as guardians ad litem for abused, ne-
34 glected or abandoned children.

35 (26) "Homeless," as used in this chapter, shall mean that the child is
36 without adequate shelter or other living facilities, and the lack of such
37 shelter or other living facilities poses a threat to the health, safety or
38 well-being of the child.

39 (27) "Idaho network of children's advocacy centers" means an organiza-
40 tion that provides education and technical assistance to child advocacy cen-
41 ters and to interagency multidisciplinary teams developed pursuant to sec-
42 tion 16-1617, Idaho Code.

43 (28) "Law enforcement agency" means a city police department, the pros-
44 ecuting attorney of any county, state law enforcement officers, or the of-
45 fice of a sheriff of any county.

46 (29) "Legal custody" means a relationship created by court order, which
47 vests in a custodian the following rights and responsibilities:

48 (a) To have physical custody and control of the child, and to determine
49 where and with whom the child shall live.

1 (b) To supply the child with food, clothing, shelter and incidental ne-
2 cessities.

3 (c) To provide the child with care, education and discipline.

4 (d) To authorize ordinary medical, dental, psychiatric, psychologi-
5 cal, or other remedial care and treatment for the child, including care
6 and treatment in a facility with a program of services for children, and
7 to authorize surgery if the surgery is deemed by two (2) physicians li-
8 censed to practice in this state to be necessary for the child.

9 (e) Where the parents share legal custody, the custodian may be vested
10 with the custody previously held by either or both parents.

11 (30) "Mental injury" means a substantial impairment in the intellectual
12 or psychological ability of a child to function within a normal range of per-
13 formance and/or behavior, for short or long terms.

14 (31) "Neglected" means a child:

15 (a) Who is without proper parental care and control, or subsistence,
16 medical or other care or control necessary for his well-being because of
17 the conduct or omission of his parents, guardian or other custodian or
18 their neglect or refusal to provide them; however, no child whose parent
19 or guardian chooses for such child treatment by prayers through spiri-
20 tual means alone in lieu of medical treatment shall be deemed for that
21 reason alone to be neglected or lack parental care necessary for his
22 health and well-being, but this subsection shall not prevent the court
23 from acting pursuant to section 16-1627, Idaho Code; or

24 (b) Whose parent, guardian or other custodian is unable to discharge
25 the responsibilities to and for the child and, as a result of such in-
26 ability, the child lacks the parental care necessary for his health,
27 safety or well-being; or

28 (c) Who has been placed for care or adoption in violation of law; or

29 (d) Who is without proper education because of the failure to comply
30 with section 33-202, Idaho Code.

31 (32) "Permanency hearing" means a hearing to review, approve, reject or
32 modify the permanency plan of the department and to review reasonable ef-
33 forts in accomplishing the permanency plan.

34 (33) "Permanency plan" means a plan for a continuous residence and main-
35 tenance of nurturing relationships during the child's minority.

36 (34) "Protective order" means an order issued by the court in a child
37 protection case, prior to the adjudicatory hearing, to enable the child to
38 remain in the home pursuant to section 16-1615(8), Idaho Code, or follow-
39 ing an adjudicatory hearing to preserve the unity of the family and to ensure
40 the best interests of the child pursuant to section 16-1619(10), Idaho Code.
41 Such an order shall be in the same form and have the same effect as a domes-
42 tic violence protection order issued pursuant to chapter 63, title 39, Idaho
43 Code. A protective order shall be for a period not to exceed three (3) months
44 unless otherwise stated in the order.

45 (35) "Protective supervision" is a legal status created by court order
46 in a child protective case whereby the child is in the legal custody of his or
47 her parent(s), guardian(s) or other legal custodian(s), subject to supervi-
48 sion by the department.

49 (36) "Psychotropic medication" means a drug prescribed to affect psy-
50 chological functioning, perception, behavior or mood. Psychotropic medi-

1 cations include, but are not limited to, antidepressants, mood stabilizers,
2 antipsychotics, antianxiety medications, sedatives and stimulants.

3 (37) "Qualified individual" means a trained professional or licensed
4 clinician who is not connected to or affiliated with any placement setting
5 in which children are placed by the department and who is not an employee of
6 child and family services, unless a waiver has been approved by the autho-
7 rized agency.

8 (38) "Qualified residential treatment program" means a program that has
9 a trauma-informed treatment model designed to address the needs of children
10 with serious emotional or behavioral disorders or disturbances, is able to
11 implement the treatment identified for the child by the assessment of the
12 child required under section 16-1619A(2), Idaho Code, and is licensed and
13 accredited in accordance with state and federal law.

14 (39) "Reasonable and prudent parent standard" means the standard of
15 care characterized by careful and sensible parental decisions that main-
16 tain the health, safety and best interests of a child while simultaneously
17 encouraging the emotional and developmental growth of the child that a care-
18 giver shall use when determining whether to allow a child in foster care
19 under the responsibility of the state to participate in extracurricular,
20 enrichment, cultural or social activities.

21 (40) "Relative" means a child's grandparent, great grandparent, aunt,
22 great aunt, uncle, great uncle, brother-in-law, sister-in-law, first
23 cousin, sibling and half-sibling.

24 (41) "Residual parental rights and responsibilities" means those
25 rights and responsibilities remaining with the parents after the transfer of
26 legal custody including, but not necessarily limited to, the right of visi-
27 tation, the right to consent to adoption, the right to determine religious
28 affiliation, the right to family counseling when beneficial, and the respon-
29 sibility for support.

30 (42) "Shelter care" means places designated by the department for tem-
31 porary care of children pending court disposition or placement.

32 (43) "Supportive services," as used in this chapter, shall mean ser-
33 vices that assist parents with a disability to compensate for those aspects
34 of their disability that affect their ability to care for their child and
35 that will enable them to discharge their parental responsibilities. The
36 term includes specialized or adapted training, evaluations or assistance
37 with effectively using adaptive equipment and accommodations that allow
38 parents with a disability to benefit from other services including, but not
39 limited to, Braille texts or sign language interpreters.

40 SECTION 45. That Section 18-7803, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 18-7803. DEFINITIONS. As used in this chapter:

43 (a) "Racketeering" means any act which is chargeable or indictable un-
44 der the following sections of the Idaho Code or which are equivalent acts
45 chargeable or indictable as equivalent crimes under the laws of any other ju-
46 risdiction:

47 (1) Homicide (section 18-4001, Idaho Code);

48 (2) Robbery, burglary, theft, forgery, counterfeiting, and related
49 crimes (sections 18-1401, 18-1405, 18-2403, 18-2407, 18-3123, 18-3124,

- 1 18-3125, 18-3601, 18-3602, 18-3603, 18-3605, 18-3606, 18-3607,
 2 18-3609, 18-3610, 18-3614, 18-3615, 18-4630, 18-6501 and 49-518, Idaho
 3 Code);
- 4 (3) Kidnapping (section 18-4501, Idaho Code);
- 5 (4) ~~Prostitution~~ Commercial sexual activity (sections 18-5601,
 6 18-5602, 18-5603, 18-5604, 18-5605, 18-5606, 18-5607, 18-5608 and
 7 18-5609, Idaho Code);
- 8 (5) Arson (sections 18-801, 18-802, 18-803, 18-804 and 18-805, Idaho
 9 Code);
- 10 (6) Assault (sections 18-908 and 18-4015, Idaho Code);
- 11 (7) Lotteries and gambling (sections 18-3801, 18-3802, 18-3809,
 12 18-4902, 18-4903, 18-4904, 18-4905, 18-4906 and 18-4908, Idaho Code);
- 13 (8) Indecency and obscenity (sections 18-1515, 18-1518, 18-4103,
 14 18-4103A, 18-4104, 18-4105, 18-4105A and 18-4107, Idaho Code);
- 15 (9) Poisoning (sections 18-4014 and 18-5501, Idaho Code);
- 16 (10) Fraudulent practices, false pretenses, insurance fraud, finan-
 17 cial transaction card crimes and fraud generally (sections 18-2403,
 18 18-2706, 18-3002, 18-3101, 18-3124, 18-3125, 18-3126, 18-6713, 41-293,
 19 41-294 and 41-1306, Idaho Code);
- 20 (11) Alcoholic beverages (sections 23-602, 23-606, 23-610, 23-703,
 21 23-905, 23-914, 23-928, 23-934 and 23-938, Idaho Code);
- 22 (12) Cigarette taxes (sections 63-2505 and 63-2512(b), Idaho Code);
- 23 (13) Securities (sections 30-14-401, 30-14-402, 30-14-403, 30-14-404,
 24 30-14-501, 30-14-502, 30-14-505 and 30-14-506, Idaho Code);
- 25 (14) Horseracing (section 54-2512, Idaho Code);
- 26 (15) Interest and usurious practices (sections 28-45-401 and 28-45-
 27 402, Idaho Code);
- 28 (16) Corporations (sections 18-1901, 18-1902, 18-1903, 18-1904,
 29 18-1905, 18-1906 and 30-1510, Idaho Code);
- 30 (17) Perjury (sections 18-5401 and 18-5410, Idaho Code);
- 31 (18) Bribery and corrupt influence (sections 18-1352 and 18-1353, Idaho
 32 Code);
- 33 (19) Controlled substances (sections 37-2732(a), (b), (c), (e) and (f),
 34 37-2732B, 37-2734 and 37-2734B, Idaho Code);
- 35 (20) Motor vehicles (sections 49-228, 49-231, 49-232 and 49-518, Idaho
 36 Code);
- 37 (21) Terrorism (section 18-8103, Idaho Code).
- 38 (b) "Person" means any individual or entity capable of holding a legal
 39 or beneficial interest in property;
- 40 (c) "Enterprise" means any sole proprietorship, partnership, corpora-
 41 tion, business, labor union, association or other legal entity or any group
 42 of individuals associated in fact although not a legal entity, and includes
 43 illicit as well as licit entities; and
- 44 (d) "Pattern of racketeering activity" means engaging in at least two
 45 (2) incidents of racketeering conduct that have the same or similar in-
 46 tents, results, accomplices, victims or methods of commission, or otherwise
 47 are interrelated by distinguishing characteristics and are not isolated
 48 incidents, provided at least one (1) of such incidents occurred after the ef-
 49 fective date of this act and that the last of such incidents occurred within
 50 five (5) years after a prior incident of racketeering conduct.

1 SECTION 46. That Section 18-8303, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 18-8303. DEFINITIONS. As used in this chapter:

4 (1) "Aggravated offense" means any of the following crimes: 18-1506A
5 (ritualized abuse of a child); 18-1508 (lewd conduct); 18-4003(d) (murder
6 committed in the perpetration of rape); 18-4502 (first-degree kidnapping
7 committed for the purpose of rape, committing any lewd and lascivious act
8 upon any child under the age of sixteen years or for purposes of sexual grati-
9 fication or arousal); 18-4503 (second-degree kidnapping where the victim is
10 an unrelated minor child and the kidnapping is committed for the purpose of
11 rape, committing any lewd and lascivious act upon any child under the age of
12 sixteen years or for purposes of sexual gratification or arousal); 18-6101
13 (rape, but excluding section 18-6101(1) where the victim is at least twelve
14 years of age or the defendant is eighteen years of age); 18-6604 (forcible
15 penetration by use of a foreign object); ~~18-8602(1)(a)(i) (sex trafficking)~~
16 chapter 86, title 18, (human trafficking); and any other offense set forth in
17 section 18-8304, Idaho Code, if at the time of the commission of the offense
18 the victim was below the age of thirteen (13) years or an offense that is sub-
19 stantially similar to any of the foregoing offenses under the laws of another
20 jurisdiction or military court or the court of another country.

21 (2) "Board" means the sexual offender management board described in
22 section 18-8312, Idaho Code.

23 (3) "Central registry" means the registry of convicted sexual offend-
24 ers maintained by the Idaho state police pursuant to this chapter.

25 (4) "Certified evaluator" means either a psychiatrist licensed by this
26 state pursuant to chapter 18, title 54, Idaho Code, or a master's or doctoral
27 level mental health professional licensed by this state pursuant to chap-
28 ter 23, chapter 32, or chapter 34, title 54, Idaho Code. Such person shall
29 have by education, experience and training, expertise in the assessment and
30 treatment of sexual offenders, and such person shall meet the qualifications
31 and shall be approved by the board to perform psychosexual evaluations in
32 this state, as described in section 18-8314, Idaho Code.

33 (5) "Department" means the Idaho state police.

34 (6) "Employed" means full-time or part-time employment exceeding ten
35 (10) consecutive working days or for an aggregate period exceeding thirty
36 (30) days in any calendar year, or any employment that involves counseling,
37 coaching, teaching, supervising or working with minors in any way regardless
38 of the period of employment, whether such employment is financially compen-
39 sated, volunteered or performed for the purpose of any government or educa-
40 tion benefit.

41 (7) "Foreign conviction" means a conviction under the laws of Canada,
42 Great Britain, Australia or New Zealand, or a conviction under the laws of
43 any foreign country deemed by the U.S. department of state, in its country
44 reports on human rights practices, to have been obtained with sufficient
45 safeguards for fundamental fairness and due process.

46 (8) "Incarceration" means committed to the custody of the Idaho de-
47 partment of correction or department of juvenile corrections, but excluding
48 cases where the court has retained jurisdiction.

1 (9) "Jurisdiction" means any of the following: a state, the District of
2 Columbia, the commonwealth of Puerto Rico, Guam, American Samoa, the North-
3 ern Mariana Islands, the United States Virgin Islands, the federal govern-
4 ment or a federally recognized Indian tribe.

5 (10) "Minor" means an individual who has not attained the age of eigh-
6 teen (18) years.

7 (11) "Offender" means an individual convicted of an offense listed and
8 described in section 18-8304, Idaho Code, or a substantially similar offense
9 under the laws of another jurisdiction or military court or the court of an-
10 other country deemed by the U.S. department of state, in its country reports
11 on human rights practices, to have sufficient safeguards for fundamental
12 fairness and due process.

13 (12) "Offense" means a sexual offense listed in section 18-8304, Idaho
14 Code.

15 (13) "Psychosexual evaluation" means an evaluation that specifically
16 addresses sexual development, sexual deviancy, sexual history and risk of
17 reoffense as part of a comprehensive evaluation of an offender.

18 (14) "Recidivist" means an individual convicted two (2) or more times of
19 any offense requiring registration under this chapter.

20 (15) "Residence" means the offender's present place of abode.

21 (16) "Student" means a person who is enrolled on a full-time or
22 part-time basis, in any public or private educational institution, includ-
23 ing any secondary school, trade or professional institution or institution
24 of higher education.

25 (17) "Violent sexual predator" means a person who was designated as a
26 violent sexual predator by the sexual offender management board where such
27 designation has not been removed by judicial action or otherwise.

28 SECTION 47. That Section 18-8304, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 18-8304. APPLICATION OF CHAPTER -- RULEMAKING AUTHORITY. (1) The pro-
31 visions of this chapter shall apply to any person who:

32 (a) On or after July 1, 1993, is convicted of the crime, or an attempt,
33 a solicitation, or a conspiracy to commit a crime provided for in sec-
34 tion 18-909 (assault with intent to commit rape or lewd and lascivious
35 conduct with a minor, but excluding mayhem, murder or robbery), 18-911
36 (battery with intent to commit rape or lewd and lascivious conduct with
37 a minor, but excluding mayhem, murder or robbery), 18-919 (sexual ex-
38 ploitation by a medical care provider), 18-925 (aggravated sexual bat-
39 tery), 18-1505B (sexual abuse and exploitation of a vulnerable adult),
40 18-1506 (sexual abuse of a child under sixteen years of age), 18-1506A
41 (ritualized abuse of a child), felony violations of 18-1507 (sexual
42 exploitation of a child), 18-1508 (lewd conduct with a minor child),
43 18-1508A (sexual battery of a minor child sixteen or seventeen years of
44 age), 18-1509A (enticing a child over the internet), 18-4003(d) (murder
45 committed in perpetration of rape), 18-4116 (indecent exposure, but
46 excluding a misdemeanor conviction), 18-4502 (first degree kidnapping
47 committed for the purpose of rape or for committing any lewd and las-
48 civious act upon any child under the age of sixteen, or for purposes of
49 sexual gratification or arousal), 18-4503 (second degree kidnapping

1 where the victim is an unrelated minor child), 18-5605 (detention for
 2 ~~prostitution commercial sexual activity~~), 18-5609 (inducing ~~person~~
 3 ~~under eighteen years of age into prostitution a child into commer-~~
 4 ~~cial sexual activity~~), 18-5610 (utilizing a ~~person under eighteen~~
 5 ~~years of age for prostitution child for commercial sexual activity~~),
 6 18-5611 (inducing ~~person under eighteen years of age to patronize a~~
 7 ~~prostitute a child to engage in commercial sexual activity~~), 18-6101
 8 (rape, but excluding 18-6101(1) where the defendant is eighteen years
 9 of age), 18-6110 (sexual contact with a prisoner), 18-6601 (incest),
 10 18-6602 (sexual abuse of an animal), 18-6603 (sexual abuse of human
 11 remains), 18-6604 (forcible penetration by use of a foreign object),
 12 18-6605 (video voyeurism where the victim is a minor or upon a second or
 13 subsequent conviction), 18-7804 (if the racketeering act involves kid-
 14 napping of a minor) or ~~18-8602(1)(a)(i) (sex trafficking)~~ chapter 86,
 15 title 18 (human trafficking), Idaho Code.

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

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

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

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

40 (f) On or after July 1, 1993, is convicted of the crime or an attempt,
 41 solicitation, or conspiracy to commit the infamous crime against na-
 42 ture, a felony offense formerly codified in chapter 66, title 18, Idaho
 43 Code, and whose conviction is entered before July 1, 2022.

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

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

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

6 SECTION 48. That Section 18-8502, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 18-8502. DEFINITIONS. As used in this chapter:

9 (1) "Criminal gang" means an ongoing organization, association, or
10 group of three (3) or more persons, whether formal or informal, that has a
11 common name or common identifying sign or symbol, whose members individually
12 or collectively engage in or have engaged in a pattern of criminal gang ac-
13 tivity, having as one (1) of its primary activities the commission of one (1)
14 or more of the criminal acts enumerated in subsection (3) of this section.

15 (2) "Criminal gang member" means any person who engages in a pattern of
16 criminal gang activity and who meets two (2) or more of the following crite-
17 ria:

18 (a) Admits to gang membership;

19 (b) Is identified as a gang member;

20 (c) Resides in or frequents a particular gang's area and adopts its
21 style of dress, its use of hand signs, or its tattoos, and associates
22 with known gang members;

23 (d) Has been arrested more than once in the company of identified gang
24 members for offenses that are consistent with usual gang activity;

25 (e) Is identified as a gang member by physical evidence such as pho-
26 tographs or other documentation; or

27 (f) Has been stopped in the company of known gang members four (4) or
28 more times.

29 (3) "Pattern of criminal gang activity" means the commission, at-
30 tempted commission or solicitation of two (2) or more of the following
31 offenses, provided that the offenses are committed on separate occasions or
32 by two (2) or more gang members:

33 (a) Robbery, as provided in section 18-6501, Idaho Code;

34 (b) Arson, as provided in sections 18-801 through 18-804, Idaho Code;

35 (c) Burglary, as provided in sections 18-1401, 18-1403, 18-1405 and
36 18-1406, Idaho Code;

37 (d) Murder or manslaughter, as provided, respectively, in sections
38 18-4001 and 18-4006, Idaho Code;

39 (e) Any violation of the provisions of chapter 27, title 37, Idaho Code;

40 (f) Any unlawful use or possession of a weapon, bomb or destructive de-
41 vice pursuant to chapter 33, title 18, Idaho Code;

42 (g) Assault and battery, as provided in chapter 9, title 18, Idaho Code;

43 (h) Criminal solicitation, as provided in section 18-2001, Idaho Code;

44 (i) Computer crime, as provided in section 18-2202, Idaho Code;

45 (j) Theft, as provided in sections 18-2401 and 18-2403, Idaho Code;

46 (k) Evidence falsified or concealed and witnesses intimidated or
47 bribed, as provided in sections 18-2601 through 18-2606, Idaho Code;

48 (l) Forgery and counterfeiting, as provided in sections 18-3601
49 through 18-3603 and sections 18-3605 through 18-3616, Idaho Code;

- 1 (m) Gambling, as provided in section 18-3802, Idaho Code;
 2 (n) Kidnapping, as provided in sections 18-4501 through 18-4503, Idaho
 3 Code;
 4 (o) Mayhem, as provided in section 18-5001, Idaho Code;
 5 (p) ~~Prostitution, as provided in sections 18-5601 through 18-5614,~~
 6 Commercial sexual activity, as provided in chapter 56, title 18, Idaho
 7 Code;
 8 (q) Rape, as provided in sections 18-6101 and 18-6110, Idaho Code;
 9 (r) Racketeering, as provided in section 18-7804, Idaho Code;
 10 (s) Malicious harassment, as provided in section 18-7902, Idaho Code;
 11 (t) Terrorism, as provided in section 18-8103, Idaho Code;
 12 (u) Money laundering and illegal investment, as provided in section
 13 18-8201, Idaho Code;
 14 (v) Sexual abuse of a child under the age of sixteen years, as provided
 15 in section 18-1506, Idaho Code;
 16 (w) Sexual exploitation of a child, as provided in section 18-1507,
 17 Idaho Code;
 18 (x) Lewd conduct with minor child under sixteen, as provided in section
 19 18-1508, Idaho Code;
 20 (y) Sexual battery of a minor child sixteen or seventeen years of age, as
 21 provided in section 18-1508A, Idaho Code;
 22 (z) Escape or rescue of prisoners, as provided in sections 18-2501
 23 through 18-2506, Idaho Code;
 24 (aa) Riot, as provided in sections 18-6401 and 18-6402, Idaho Code;
 25 (bb) Disturbing the peace, as provided in section 18-6409, Idaho Code;
 26 (cc) Malicious injury to property, as provided in section 18-7001,
 27 Idaho Code;
 28 (dd) Injuring jails, as provided in section 18-7018, Idaho Code;
 29 (ee) Injury by graffiti, as provided in section 18-7036, Idaho Code; or
 30 (ff) Human trafficking, as provided in ~~sections 18-8602 and 18-8603~~
 31 chapter 86, title 18, Idaho Code.

32 SECTION 49. That Section 19-5702, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 19-5702. DEFINITIONS. Unless the context clearly requires otherwise,
 35 for purposes of this chapter, the following terms have the following mean-
 36 ings:

37 (1) "Address" means a residential street address of an individual as
 38 specified on the individual's application to be a program participant under
 39 this chapter.

40 (2) "Domestic violence" means an act pursuant to section 18-918, Idaho
 41 Code.

42 (3) "Human trafficking" means an act pursuant to ~~section 18-8602~~
 43 chapter 86, title 18, Idaho Code.

44 (4) "Malicious harassment" means an act pursuant to section 18-7902,
 45 Idaho Code.

46 (5) "Program participant" means a person certified as a program partic-
 47 ipant pursuant to section 19-5703, Idaho Code.

48 (6) "Sexual assault" means an act pursuant to section 18-1506, 18-1508,
 49 18-1508A or 18-6101, Idaho Code.

1 (7) "Stalking" means an act pursuant to section 18-7905 or 18-7906,
2 Idaho Code.

3 SECTION 50. That Section 33-1208, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 33-1208. REVOCATION, SUSPENSION, DENIAL, OR PLACE REASONABLE CONDI-
6 TIONS ON CERTIFICATE -- GROUNDS. (1) The professional standards commission
7 may deny, revoke, suspend, or place reasonable conditions on any certificate
8 issued or authorized under the provisions of section 33-1201, Idaho Code,
9 upon any of the following grounds:

- 10 (a) Gross neglect of duty;
11 (b) Incompetency;
12 (c) Breach of the teaching contract;
13 (d) Making any material statement of fact in the application for a cer-
14 tificate that the applicant knows to be false;
15 (e) Revocation, suspension, denial, or surrender of a certificate in
16 another state for any reason constituting grounds for revocation in
17 this state;
18 (f) Conviction, finding of guilt, withheld judgment, or suspended sen-
19 tence in this or any other state of a crime that is deemed relevant in ac-
20 cordance with section 67-9411(1), Idaho Code;
21 (g) Conviction, finding of guilt, withheld judgment, or suspended sen-
22 tence in this state or any other state for the delivery, manufacture, or
23 production of controlled substances or simulated controlled substances
24 as those terms are defined in section 37-2701, Idaho Code;
25 (h) A guilty plea or a finding of guilt, notwithstanding the form of the
26 judgment or withheld judgment, in this or any other state of the crime of
27 involuntary manslaughter, section 18-4006(2) or (3), Idaho Code;
28 (i) Any disqualification that would have been sufficient grounds for
29 refusing to issue or authorize a certificate, if the disqualification
30 existed or had been known at the time of its issuance or authorization;
31 (j) Willful violation of any professional code or standard of ethics or
32 conduct adopted by the state board of education;
33 (k) The kidnapping of a child, section 18-4503, Idaho Code;
34 (l) Conviction, finding of guilt, withheld judgment, or suspended sen-
35 tence in this state or any other state of any crime that is deemed rel-
36 evant in accordance with section 67-9411(1), Idaho Code, the commis-
37 sion of which renders the certificated person unfit to teach or other-
38 wise perform the duties of the certificated person's position.

39 (2) The professional standards commission shall permanently revoke any
40 certificate issued or authorized under the provisions of section 33-1201,
41 Idaho Code, and shall deny the application for issuance of a certificate of
42 a person who pleads guilty to or is found guilty of, notwithstanding the form
43 of the judgment or withheld judgment, any of the following felony offenses:

- 44 (a) Aggravated assault, section 18-905, Idaho Code, or assault with in-
45 tent to commit a serious felony, section 18-909, Idaho Code.
46 (b) Aggravated battery, section 18-907, Idaho Code, or battery with in-
47 tent to commit a serious felony, section 18-911, Idaho Code.
48 (c) The injury or death of a child, section 18-1501, Idaho Code.

1 (d) The sexual abuse of a child under sixteen (16) years of age, section
2 18-1506, Idaho Code.

3 (e) The ritualized abuse of a child under eighteen (18) years of age,
4 section 18-1506A, Idaho Code.

5 (f) The sexual exploitation of a child, section 18-1507, Idaho Code.

6 (g) Lewd conduct with a child under the age of sixteen (16) years, sec-
7 tion 18-1508, Idaho Code.

8 (h) The sexual battery of a minor child sixteen (16) or seventeen (17)
9 years of age, section 18-1508A, Idaho Code.

10 (i) The sale or barter of a child for adoption or other purposes, sec-
11 tion 18-1511, Idaho Code.

12 (j) Murder, section 18-4003, Idaho Code, or voluntary manslaughter,
13 section 18-4006(1), Idaho Code.

14 (k) Kidnapping, section 18-4502, Idaho Code.

15 (l) Interstate trafficking in ~~prostitution~~ commercial sexual activ-
16 ity, section ~~18-5601~~ 18-5607, Idaho Code.

17 (m) Utilizing a ~~person under eighteen (18) years of age for prostitu-~~
18 ~~tion~~ child for commercial sexual activity, section 18-5610, Idaho Code.

19 (n) Rape, section 18-6101, Idaho Code.

20 The general classes of felonies listed in this subsection shall include
21 equivalent laws of federal or other state jurisdictions. For the purpose of
22 this subsection, "child" means a minor or juvenile as defined by the applica-
23 ble state or federal law.

24 (3) The professional standards commission may investigate and follow
25 the procedures set forth in section 33-1209, Idaho Code, for any allegation
26 of inappropriate conduct as defined in this section by a holder of a cer-
27 tificate whether or not the holder has surrendered his certificate without
28 a hearing or failed to renew his certificate. In those cases where the holder
29 of a certificate has surrendered or failed to renew his certificate and it
30 was found that inappropriate conduct occurred, the commission shall record
31 such findings in the permanent record of the individual and shall deny the
32 issuance of a teaching certificate.

33 (4) Any person whose certificate may be or has been revoked, suspended
34 or denied under the provisions of this section shall be afforded a hearing
35 according to the provisions of section 33-1209, Idaho Code. Any person hold-
36 ing a certificate on or before July 1, 2020, who would not be eligible for a
37 certificate by virtue of the provisions of this section shall be afforded a
38 hearing according to the provisions of section 33-1209, Idaho Code, prior to
39 revocation or denial of the individual's certificate. Upon a showing of just
40 and reasonable cause, the hearing panel shall have authority to grant an ex-
41 ception to the provisions of this section for such person.

42 (5) The professional standards commission may deny the issuance of a
43 certificate for any reason that would be a ground for revocation or suspen-
44 sion.

45 SECTION 51. That Section 39-1113, Idaho Code, be, and the same is hereby
46 amended to read as follows:

47 39-1113. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. (1) A license
48 may be denied, suspended or revoked by the department if the department finds

1 that the applicant or licensee does not comply with the provisions of this
2 chapter.

3 (2) No person who pleads guilty to, has been found guilty of or received
4 a withheld judgment for any offense involving neglect or any physical injury
5 to or other abuse of a child, including the following offenses or a similar
6 provision in another jurisdiction, shall be eligible for a license under the
7 provisions of this chapter:

- 8 (a) Felony injury of a child, section 18-1501, Idaho Code.
9 (b) The sexual abuse of a child under sixteen years of age, section
10 18-1506, Idaho Code.
11 (c) The ritualized abuse of a child under eighteen years of age, section
12 18-1506A, Idaho Code.
13 (d) The sexual exploitation of a child, section 18-1507, Idaho Code.
14 (e) Sexual abuse of a child under the age of sixteen years, section
15 18-1506, Idaho Code.
16 (f) Lewd conduct with a child under the age of sixteen years, section
17 18-1508, Idaho Code.
18 (g) The sale or barter of a child for adoption or other purposes, sec-
19 tion 18-1511, Idaho Code.
20 (h) Murder in any degree, section 18-4001 or 18-4003, Idaho Code.
21 (i) Assault with intent to murder, section 18-4015, Idaho Code.
22 (j) Voluntary manslaughter, section 18-4006, Idaho Code.
23 (k) Rape, section 18-6101, Idaho Code.
24 (l) Incest, section 18-6601, Idaho Code.
25 (m) Forcible sexual penetration by use of foreign object, section
26 18-6604, Idaho Code.
27 (n) Abuse, neglect or exploitation of a vulnerable adult, section
28 18-1505, Idaho Code.
29 (o) Aggravated, first degree, second degree and third degree arson,
30 sections 18-801 through 18-805, Idaho Code.
31 (p) The infamous crime against nature, a felony offense formerly cod-
32 ified in chapter 66, title 18, Idaho Code, and whose conviction is en-
33 tered before July 1, 2022.
34 (q) Kidnapping, sections 18-4501 through 18-4503, Idaho Code.
35 (r) Mayhem, section 18-5001, Idaho Code.
36 (s) Poisoning, section 18-4014 or 18-5501, Idaho Code.
37 (t) Robbery, section 18-6501, Idaho Code.
38 (u) Stalking in the first degree, section 18-7905, Idaho Code.
39 (v) Video voyeurism, section 18-6605, Idaho Code.
40 (w) Enticing of children, section 18-1509 or 18-1509A, Idaho Code.
41 (x) ~~Inducing individuals under eighteen years of age into prostitution~~
42 ~~a child into commercial sexual activity~~, section 18-5609, Idaho Code.
43 (y) ~~Inducing person under eighteen years of age to patronize a prosti-~~
44 ~~tute a child to engage in commercial sexual activity~~, section 18-5611,
45 Idaho Code.
46 (z) Any felony punishable by death or life imprisonment.
47 (aa) Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701,
48 Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to
49 commit any of the crimes designated in this subsection.
50 (bb) Domestic violence, section 18-918(2), Idaho Code.

- 1 (cc) Any offense requiring registration on a state sex offender reg-
 2 istry or the national sex offender registry.
- 3 (dd) A felony drug-related offense committed during the preceding five
 4 (5) years.
- 5 (ee) Sexual abuse of an animal, section 18-6602, Idaho Code.
- 6 (ff) Sexual abuse of human remains, section 18-6603, Idaho Code.
- 7 (3) No person who has pleaded guilty to, been found guilty of or re-
 8 ceived a withheld judgment for any offense involving neglect or any physi-
 9 cal injury to or other abuse of a child, including the following offenses or
 10 a similar provision in another jurisdiction, shall be eligible for a license
 11 for a period of five (5) years under the provisions of this chapter:
- 12 (a) Aggravated assault, section 18-905, Idaho Code.
- 13 (b) Aggravated battery, section 18-907(1), Idaho Code.
- 14 (c) Burglary, section 18-1401, Idaho Code.
- 15 (d) Felony theft, sections 18-2403 and 18-2407(1), Idaho Code.
- 16 (e) Forgery of a financial transaction card, section 18-3123, Idaho
 17 Code.
- 18 (f) Fraudulent use of a financial transaction card or number, section
 19 18-3124, Idaho Code.
- 20 (g) Forgery or counterfeiting, chapter 36, title 18, Idaho Code.
- 21 (h) Misappropriation of personal identifying information, section
 22 18-3126, Idaho Code.
- 23 (i) Insurance fraud, section 41-293, Idaho Code.
- 24 (j) Damage to or destruction of insured property, section 41-294, Idaho
 25 Code.
- 26 (k) Public assistance fraud, section 56-227, Idaho Code.
- 27 (l) Provider fraud, section 56-227A, Idaho Code.
- 28 (m) Attempted strangulation, section 18-923, Idaho Code.
- 29 (n) Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701,
 30 Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to
 31 commit any of the crimes designated in this subsection.
- 32 (o) Misdemeanor injury to a child, section 18-1501(2), Idaho Code.
- 33 (4) A daycare facility license may be denied, suspended or revoked by
 34 the department if the department finds that the daycare facility is not in
 35 compliance with the standards provided for in this chapter or criminal ac-
 36 tivity that threatens the health or safety of a child.
- 37 (5) A daycare facility license or privilege to operate a family daycare
 38 home shall be denied or revoked if a registered sex offender resides on the
 39 premises where daycare services are provided.
- 40 (6) The denial, suspension, or revocation of a license under this chap-
 41 ter may be appealed through the administrative appeals process governed by
 42 the provisions of IDAPA 16.05.03, with the opportunity for further review by
 43 the district court of the county in which the affected daycare facility is
 44 located.

45 SECTION 52. That Section 49-335, Idaho Code, be, and the same is hereby
 46 amended to read as follows:

47 49-335. DISQUALIFICATIONS AND PENALTIES -- COMMERCIAL DRIVER'S LI-
 48 CENSE. (1) Any person who operates a commercial motor vehicle or who holds a
 49 class A, B or C driver's license is disqualified from operating a commercial

1 motor vehicle for a period of not less than one (1) year if convicted in the
2 form of a judgment or withheld judgment of a first violation under any state
3 or federal law of:

4 (a) Operating a motor vehicle while under the influence of alcohol or a
5 controlled substance;

6 (b) Operating a commercial motor vehicle while the alcohol concentra-
7 tion of the person's blood, breath or bodily substance is 0.04 or more;

8 (c) Leaving the scene of an accident involving a motor vehicle driven by
9 the person;

10 (d) Using a motor vehicle in the commission of any felony;

11 (e) Operating a commercial motor vehicle when the person's class A, B
12 or C commercial driver's license driving privileges were revoked, sus-
13 pended or canceled or during a time when such person was disqualified
14 from operating a commercial motor vehicle, if the reason for such revo-
15 cation, suspension, cancellation or disqualification was the result of
16 a violation that occurred while the person was operating a commercial
17 motor vehicle;

18 (f) Causing a fatality through negligent operation of a commercial mo-
19 tor vehicle, including, but not limited to, the crimes of motor vehicle
20 manslaughter, homicide by motor vehicle and negligent homicide.

21 (2) Any person who operates a commercial motor vehicle or who holds a
22 class A, B or C driver's license is disqualified from operating a commercial
23 motor vehicle for a period of not less than one (1) year if the person refuses
24 to submit to or submits to and fails a test to determine the driver's alcohol,
25 drug or other intoxicating substances concentration while operating a motor
26 vehicle.

27 (3) If any of the offenses specified in subsection (1) or (2) of this
28 section occurred while transporting a hazardous material required to be
29 placarded, the person is disqualified for a period of not less than three (3)
30 years.

31 (4) A person is disqualified for the period of time specified in 49 CFR
32 383 if found to have committed two (2) or more of any of the offenses speci-
33 fied in subsection (1) or (2) of this section, or any combination of those of-
34 fenses, arising from two (2) or more separate incidents.

35 (5) A person is disqualified for the period of time specified in 49 CFR
36 383 from operating a commercial motor vehicle who uses a motor vehicle in the
37 commission of any felony involving the manufacture, distribution, or dis-
38 pensing of a controlled substance or possession of a controlled substance
39 with the intent to manufacture, distribute or dispense such controlled sub-
40 stance.

41 (6) A person who uses a commercial motor vehicle in the commission of a
42 felony involving an act or practice of trafficking in persons, as described
43 in 22 U.S.C. 7102 and ~~section 18-8602(1)(a)~~ chapter 86, title 18, Idaho Code,
44 is disqualified for the period of time specified in 49 CFR 383 from operating
45 a commercial motor vehicle.

46 (7) A person is disqualified from operating a commercial motor vehicle
47 for a period of not less than sixty (60) days if convicted of two (2) serious
48 traffic violations, or one hundred twenty (120) days if convicted of three
49 (3) or more serious traffic violations, committed in a commercial motor ve-
50 hicle arising from separate incidents occurring within a three (3) year pe-

1 rioid. A conviction for reckless driving shall be considered a serious traf-
2 fic violation if committed while operating a commercial motor vehicle or a
3 noncommercial motor vehicle, as specified in 49 CFR 383.

4 (8) A person who drives, operates, or is in physical control of a com-
5 mercial motor vehicle within this state while having any detectable amount
6 of alcohol in his system or who refuses to submit to an alcohol test must be
7 placed out of service for twenty-four (24) hours and be subject to the provi-
8 sions of section 18-8002, Idaho Code.

9 (9) It is unlawful to violate an out-of-service order. A person who is
10 convicted in the form of a judgment or withheld judgment of a violation of an
11 out-of-service order while driving a commercial motor vehicle is disquali-
12 fied for not less than:

13 (a) One hundred eighty (180) days or more than one (1) year for a first
14 conviction;

15 (b) Two (2) years or more than five (5) years for a second conviction
16 arising from separate incidents during any ten (10) year period;

17 (c) Three (3) years or more than five (5) years for three (3) or more
18 convictions arising from separate incidents during any ten (10) year
19 period.

20 (10) A person who is convicted in the form of a judgment or withheld
21 judgment of a violation of an out-of-service order while driving a com-
22 mercial motor vehicle and transporting hazardous materials required to be
23 placarded under the hazardous materials transportation act or while op-
24 erating motor vehicles designed to transport sixteen (16) or more people
25 including the driver is disqualified for not less than:

26 (a) One hundred eighty (180) days or more than two (2) years for a first
27 conviction;

28 (b) Three (3) years or more than five (5) years for subsequent convic-
29 tions arising from separate incidents in any ten (10) year period.

30 (11) A person is disqualified from operating a commercial motor vehicle
31 if convicted of a railroad grade crossing violation as specified in 49 CFR
32 383 or applicable state laws while operating a commercial motor vehicle. The
33 disqualification shall be for a period of:

34 (a) Sixty (60) days for a first conviction;

35 (b) One hundred twenty (120) days for a second conviction during any
36 three (3) year period;

37 (c) One (1) year for a third or subsequent conviction during any three
38 (3) year period.

39 (12) A person is disqualified from operating a commercial motor vehicle
40 if the federal motor carrier safety administration has determined the per-
41 son's driving constitutes an imminent hazard, as defined in 49 CFR 383.5.

42 (a) An imminent hazard disqualification may not exceed one (1) year in
43 duration. The driver, or a representative on his or her behalf, may file
44 an appeal of the disqualification with the assistant administrator, ad-
45 judications counsel, federal motor carrier safety administration.

46 (b) Any imminent hazard disqualification transmitted by the federal
47 motor carrier safety administration shall become a part of the driver's
48 record.

49 (c) The imminent hazard disqualification shall run concurrent to any
50 other existing disqualification.

1 (13) In addition to the disqualification periods in subsections (9) and
2 (10) of this section, a driver who is convicted of violating an out-of-ser-
3 vice order shall be subject to a civil penalty of not less than two thousand
4 five hundred dollars (\$2,500) for the first conviction and not less than five
5 thousand dollars (\$5,000) for any subsequent conviction.

6 (14) A person who is disqualified from holding a commercial driver's
7 license pursuant to 49 CFR 383.51 and subsection (4) of this section may make
8 application to the department for reinstatement after a minimum ten (10)
9 year period of disqualification.

10 (a) To be eligible for reinstatement following a lifetime disqualifi-
11 cation under 49 CFR 383.51 and pursuant to subsection (4) of this sec-
12 tion, a person shall:

13 (i) Have a valid class D driver's license from Idaho or any other
14 jurisdiction for a minimum of three (3) consecutive years prior to
15 the date of application, provided that during such three (3) year
16 period the applicant has not been incarcerated;

17 (ii) Meet all statutory requirements for issuance of a commercial
18 driver's license or commercial learner's permit as a new commer-
19 cial driver applicant;

20 (iii) Voluntarily and successfully complete the national safety
21 council four (4) hour defensive driving course and the profes-
22 sional truck driver four (4) hour course and provide proof of
23 completion of both courses to the department;

24 (iv) Submit a valid medical examiner's certificate, if applica-
25 ble;

26 (v) Submit a criminal background check showing that the applicant
27 has not been convicted of any alcohol or drug-related offenses for
28 the ten (10) years prior to the date of application; and

29 (vi) If the lifetime disqualification was based on an alcohol or
30 controlled substance conviction, submit proof of the applicant's
31 successful completion of an appropriate rehabilitation program.

32 (b) A person who has been reinstated and issued a commercial driver's
33 license under this subsection who subsequently is convicted of a dis-
34 qualifying major offense under 49 CFR 383.51 shall not be eligible for
35 future reinstatement of a commercial driver's license.

36 (c) The driving records for a person applying for reinstatement un-
37 der this subsection shall be reviewed by the department. Such driving
38 records shall include records regarding Idaho as well as any other
39 jurisdiction. To be eligible for reinstatement as set forth in this
40 subsection, such records for the ten (10) years preceding the date of
41 application for reinstatement must be free of any convictions occurring
42 in a commercial vehicle, any convictions or withdrawals related to al-
43 cehol or drugs, and any felony convictions involving a motor vehicle.
44 Within the three (3) years preceding the date of application for rein-
45 statement, the person's driving record must be free of any convictions
46 requiring a mandatory withdrawal of driving privileges, whether in this
47 state or any other jurisdiction.

48 (d) If a person has moved from another jurisdiction that issued the
49 lifetime disqualification, that jurisdiction must be willing to rein-

1 state the disqualification or the person will remain ineligible for a
2 commercial driver's license in Idaho.

3 SECTION 53. That Section 67-3014, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 67-3014. EXPUNGEMENT FOR VICTIMS OF HUMAN TRAFFICKING. (1) The provi-
6 sions of this section shall only apply to individuals who are victims of hu-
7 man trafficking ~~as defined in section 18-8602~~, pursuant to chapter 86, title
8 18, Idaho Code, and shall only apply to arrests, criminal prosecutions and
9 convictions that are the result of acts induced by human traffickers.

10 (2) Any person who was arrested, prosecuted and/or convicted of a vio-
11 lation of section 18-5613, Idaho Code, or any other offense determined by the
12 court to be appropriate, except convictions for offenses for which a defense
13 of coercion would not be available and that was committed during a period of
14 time when the person was a victim of human trafficking and that was the result
15 of acts required by the human trafficker, may bring a petition under the pro-
16 visions of this section to vacate such conviction and/or to expunge the crim-
17 inal history records taken in connection with the conviction, including the
18 arrest and prosecution resulting in such conviction or to expunge any crim-
19 inal history records related to any arrest or prosecution that resulted in
20 a dismissal or acquittal. Actions brought under this section are civil ac-
21 tions and the petitioner shall not be entitled to the appointment of counsel.
22 Jury trial shall not be available in actions brought under this section.

23 (3) Relief shall not be available under this section if the petitioner
24 raised the affirmative defense of coercion at trial and was convicted.

25 (4) Any action brought under this section shall be filed within a rea-
26 sonable time after the arrest, prosecution or conviction that is the subject
27 of the action brought under this section, except that a petition to expunge
28 an arrest that did not result in a prosecution shall not be brought until two
29 (2) years after the arrest.

30 (5) If an action is filed under this section while a criminal case
31 against the petitioner is pending and the charges in the criminal case are
32 the same as the ones sought to be expunged or vacated in the action under this
33 section, then the petition under this section shall be dismissed without
34 prejudice.

35 (6) The petition filed in this action shall:

36 (a) Identify the petitioner, the case number and court in which any con-
37 viction or prosecution resulting in acquittal or dismissal occurred,
38 the date and place of arrest and the agency that performed any arrest;

39 (b) Include a short, plain statement under oath of the facts demon-
40 strating that the petitioner is entitled to relief under the provisions
41 of this section, including the identity of the human trafficker to the
42 best of the petitioner's knowledge; the approximate date, place and
43 manner in which the petitioner became a victim of human trafficking;
44 the petitioner's age at the time the petitioner became a victim of human
45 trafficking; and how the petitioner became involved in the activities
46 resulting in the arrest, prosecution and/or conviction; and

47 (c) Include a request for an order vacating the conviction and/or to ex-
48 punge the criminal history records taken in connection with the arrest,
49 conviction or prosecution.

1 (7) If the petition is in regard to a prosecution resulting in acquittal
2 or dismissal or a prosecution resulting in a conviction, then the petitioner
3 shall serve a copy of the petition on the prosecuting attorney's office that
4 handled such prosecution. If the petition is in regard to an arrest that did
5 not result in a prosecution, then the petitioner shall serve a copy of the pe-
6 tition on the police agency that effected the arrest. If such prosecuting
7 attorney or police agency desires to contest the action under this section,
8 an answer shall be filed in accordance with the Idaho rules of civil proce-
9 dure.

10 (8) The pretrial in any action under this section shall be set not later
11 than sixty (60) days after the petition is served.

12 (9) Evidence documenting the person's status as a victim of human traf-
13 ficking at the time of the offense from a federal, state or local governmen-
14 tal agency shall create a rebuttable presumption that the person was a victim
15 of human trafficking at the time of the offense but shall not be required to
16 obtain relief under this section.

17 (10) If the court finds that the petitioner has demonstrated by a pre-
18 ponderance of the evidence that the petitioner's participation in the activ-
19 ities that resulted in the arrest, prosecution and/or conviction, that is
20 the subject of the petition, occurred during a period of time when the peti-
21 tioner was a victim of human trafficking and that the petitioner's partic-
22 ipation in the activities that resulted in the arrest, prosecution and/or
23 conviction was the result of acts required by the human trafficker, then the
24 court shall vacate the conviction, if any, and order that the criminal his-
25 tory records taken in connection with the arrest, prosecution and conviction
26 be expunged. The court shall send notice of the order of expungement to each
27 public office or agency that the court has reason to believe may have a record
28 pertaining to the arrest, prosecution and conviction that is the subject of
29 the order of expungement.

30 (11) If the court enters an order of expungement, then the arrest and
31 all other proceedings that are the subject of the order of expungement shall
32 be considered not to have occurred and the criminal history records taken
33 in connection with the conviction shall be expunged. The criminal history
34 records that are expunged shall not be used against the petitioner for any
35 purpose.

36 (12) All pleadings and records filed with the court pursuant to the pro-
37 visions of this section shall be sealed, and any hearing on an action under
38 this section shall be closed to the public. Any information obtained in any
39 pleading or other filing or at a hearing in an action under this section may
40 be used to investigate and prosecute human traffickers.

41 (13) Upon the entry of an order of expungement under this section, the
42 petitioner shall be deemed to have never been arrested, prosecuted or con-
43 victed with respect to the matters that are the subject of the order of ex-
44 pungement, and the petitioner may so swear under oath.

45 (14) The state of Idaho and any of its political subdivisions shall not
46 be subject to any civil liability as a result of any arrest, conviction or
47 prosecution that resulted in a dismissal or acquittal that is expunged pur-
48 suant to the provisions of this section.

49 (15) For the purposes of this section:

1 (a) "Convicted" or "conviction" means that the person has pled guilty
2 or has been found guilty, notwithstanding the form of the judgment or
3 withheld judgment.

4 (b) "Expunge" or "expungement" means to destroy, delete or erase a
5 criminal history record as appropriate for the record's physical or
6 electronic form or characteristic so that the record is permanently ir-
7 retrievable. Provided however, that all records in a petitioner's case
8 conducted in accordance with the provisions of this section that are in
9 the custody of the court shall be sealed, and all references to an arrest
10 and/or prosecution resulting in dismissal or acquittal or conviction
11 shall be removed from all indices and records available to the public. A
12 special index of the expungement proceedings and records shall be kept
13 by the court ordering expungement but shall not be available to the pub-
14 lic and shall be revealed only to the petitioner or upon order of a court
15 of competent jurisdiction.

16 (c) "Prosecuting attorney" has the same meaning as in section 18-6719,
17 Idaho Code.

18 (d) "Victim of human trafficking" means a person who is or who was a vic-
19 tim of a violation of ~~section 18-8602, chapter 86, title 18,~~ Idaho Code,
20 regardless of whether any person has been convicted of or pled guilty to
21 a violation of ~~section 18-8602, chapter 86, title 18,~~ Idaho Code.

22 SECTION 54. An emergency existing therefor, which emergency is hereby
23 declared to exist, this act shall be in full force and effect on and after
24 July 1, 2024.