

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 514, As Amended

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO SEXUAL OFFENDER REGISTRATION; AMENDING SECTION 18-8303, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

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

(1) "Aggravated offense" means any of the following crimes: 18-1506A (ritualized abuse of a child); 18-1508 (lewd conduct); 18-4003(d) (murder committed in the perpetration of rape); 18-4502 (first-degree kidnapping committed for the purpose of rape, committing any lewd and lascivious act upon any child under the age of sixteen years or for purposes of sexual gratification or arousal); 18-4503 (second-degree kidnapping where the victim is an unrelated minor child and the kidnapping is committed for the purpose of rape, committing any lewd and lascivious act upon any child under the age of sixteen years or for purposes of sexual gratification or arousal); 18-6101 (rape, but excluding section 18-6101(1) where the victim is at least twelve (12) years of age or the defendant is eighteen (18) years of age and section 18-6101(2) where the victim is sixteen (16) or seventeen (17) years of age and the defendant is no more than five (5) years older than the victim); 18-6604 (forcible penetration by use of a foreign object); 18-8602(1) (a) (i) (sex trafficking); and any other offense set forth in section 18-8304, Idaho Code, if at the time of the commission of the offense the victim was below the age of thirteen (13) years or an offense that is substantially similar to any of the foregoing offenses under the laws of another jurisdiction or military court or the court of another country.

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

(3) "Central registry" means the registry of convicted sexual offenders maintained by the Idaho state police pursuant to this chapter.

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

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

(6) "Employed" means full-time or part-time employment exceeding ten (10) consecutive working days or for an aggregate period exceeding thirty

1 (30) days in any calendar year, or any employment that involves counseling,
2 coaching, teaching, supervising or working with minors in any way regardless
3 of the period of employment, whether such employment is financially compen-
4 sated, volunteered or performed for the purpose of any government or educa-
5 tion benefit.

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

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

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

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

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

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

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

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

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

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

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

41 SECTION 2. An emergency existing therefor, which emergency is hereby
42 declared to exist, this act shall be in full force and effect on and after
43 July 1, 2024.