

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 281

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO THE BOLTER-STALL DEFEND THE DEFENDER ACT; PROVIDING A SHORT TI-
2 TLE; AMENDING SECTION 18-915, IDAHO CODE, TO PROVIDE A PENALTY; AMEND-
3 ING SECTION 18-4004, IDAHO CODE, TO PROVIDE A PENALTY; AND DECLARING AN
4 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. SHORT TITLE. This act shall be known and may be cited as the
8 "Bolter-Stall Defend the Defender Act."

9 SECTION 2. That Section 18-915, Idaho Code, be, and the same is hereby
10 amended to read as follows:

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

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

38 (b) For a violation of section 18-905, 18-907, 18-909, or 18-911, Idaho
39 Code, against a peace officer, the punishment shall be a mandatory fixed
40 term of imprisonment of fifteen (15) years with a possible maximum term
41 of life.

1 ~~(b)~~ (c) For committing any other crime in this chapter, the punishment
 2 shall be doubled that provided in the respective section, except as pro-
 3 vided in subsections (1) (b), (2), and (3) of this section.

4 (2) For committing a violation of the provisions of section 18-901 or
 5 18-903, Idaho Code, against the person of a former or present justice, judge
 6 or magistrate, jailer or correctional officer or other staff of the depart-
 7 ment of correction, or of a county jail, or of a private correctional facil-
 8 ity, or of an employee of a state secure confinement facility for juveniles,
 9 an employee of a juvenile detention facility, a teacher at a detention facil-
 10 ity, misdemeanor probation officer, a juvenile probation officer, or member
 11 or employee of the commission of pardons and parole:

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

14 (b) While the victim is engaged in the performance of his or her duties
 15 and the person committing the offense knows or reasonably should know
 16 that such victim is a justice, judge or magistrate, jailer or correc-
 17 tional officer or other staff of the department of correction, or of a
 18 private correctional facility, an employee of a state secure confine-
 19 ment facility for juveniles, an employee of a juvenile detention facil-
 20 ity, a teacher at a detention facility, misdemeanor probation officer
 21 or a juvenile probation officer;

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

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

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

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

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

37 SECTION 3. That Section 18-4004, Idaho Code, be, and the same is hereby
 38 amended to read as follows:

39 18-4004. PUNISHMENT FOR MURDER. Subject to the provisions of sections
 40 19-2515 and 19-2515A, Idaho Code, every person guilty of murder of the first
 41 degree shall be punished by death or by imprisonment for life, provided that
 42 a sentence of death shall not be imposed unless the prosecuting attorney
 43 filed written notice of intent to seek the death penalty as required under
 44 the provisions of section 18-4004A, Idaho Code, and provided further that
 45 whenever the death penalty is not imposed the court shall impose a sentence.
 46 If a jury, or the court if a jury is waived, finds a statutory aggravating
 47 circumstance beyond a reasonable doubt but finds that the imposition of the
 48 death penalty would be unjust, the court shall impose a fixed life sentence.
 49 If a jury, or the court if a jury is waived, does not find a statutory aggra-

1 vating circumstance beyond a reasonable doubt or if the death penalty is not
2 sought, the court shall impose a life sentence with a minimum period of con-
3 finement of not less than ten (10) years, or in the case of murder of a peace
4 officer not less than thirty-five (35) years, during which period of con-
5 finement the offender shall not be eligible for parole or discharge or credit
6 or reduction of sentence for good conduct, except for meritorious service.
7 Every person guilty of murder of the second degree is punishable by imprison-
8 ment not less than ten (10) years and the imprisonment may extend to life.

9 SECTION 4. An emergency existing therefor, which emergency is hereby
10 declared to exist, this act shall be in full force and effect on and after
11 July 1, 2025.