

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 419

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO ASSAULT AND BATTERY; AMENDING SECTION 18-915, IDAHO CODE,  
TO REVISE PROVISIONS RELATING TO ASSAULT OR BATTERY UPON CERTAIN  
PERSONNEL.

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

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

18-915. ASSAULT OR BATTERY UPON CERTAIN PERSONNEL -- PUNISHMENT. (1)  
Any person who commits a crime provided for in this chapter against or upon  
a justice, judge, magistrate, prosecuting attorney, public defender, peace  
officer, bailiff, marshal, sheriff, police officer, ~~correctional officer,~~  
~~employee of the department of correction, employee of a private prison~~  
~~contractor while employed at a private correctional facility in the state~~  
~~of Idaho, employees of the department of water resources authorized to~~  
~~enforce the provisions of chapter 38, title 42, Idaho Code, jailer, parole~~  
~~officer, misdemeanor probation officer, officer of the Idaho state police,~~  
~~fireman, social caseworkers or social work specialists of the department~~  
~~of health and welfare, employee of a state secure confinement facility~~  
~~for juveniles, employee of a juvenile detention facility, a teacher at~~  
~~a detention facility or a juvenile probation officer, emergency medical~~  
~~technician certified by the department of health and welfare, emergency~~  
~~medical technician ambulance certified by the department of health and~~  
~~welfare, advanced emergency medical technician and EMT paramedic certified~~  
~~by the state board of medicine, a member, employee or agent of the state~~  
~~tax commission, United States marshal, or federally commissioned law~~  
enforcement officer or their deputies or agents or an employee of the state  
of Idaho or any of its political subdivisions and the perpetrator knows  
or has reason to know of the victim's status, the punishment shall be as  
follows:

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

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

(2) For committing a violation of the provisions of section 18-901  
or 18-903, Idaho Code, against the person of a former or present justice,  
judge or magistrate, jailer or correctional officer or other staff of the  
department of correction, or a county jail, or of a private correctional  
facility, or of an employee of a state secure confinement facility for  
juveniles, an employee of a juvenile detention facility, a teacher at a

1 detention facility, misdemeanor probation officer or a juvenile probation  
2 officer:

3 (a) Because of the exercise of official duties or because of the  
4 victim's former or present official status; or

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

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

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

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

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

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