

IN THE SENATE

SENATE BILL NO. 1269

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO BATTERY; AMENDING CHAPTER 9, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-924, IDAHO CODE, TO PROVIDE FOR THE CRIME OF SEXUAL BATTERY, TO DEFINE A TERM AND TO PROVIDE A PUNISHMENT; AMENDING CHAPTER 9, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-925, IDAHO CODE, TO PROVIDE FOR THE CRIME OF AGGRAVATED SEXUAL BATTERY AND TO PROVIDE A PUNISHMENT; AND AMENDING SECTION 18-8304, IDAHO CODE, TO PROVIDE THAT THE SEXUAL OFFENDER REGISTRATION NOTIFICATION AND COMMUNITY RIGHT-TO-KNOW ACT SHALL APPLY TO ANY PERSON WHO COMMITS AGGRAVATED SEXUAL BATTERY AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Chapter 9, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-924, Idaho Code, and to read as follows:

18-924. SEXUAL BATTERY. (1) Sexual battery is any willful physical contact, over or under the clothing, with the intimate parts of any person, when the physical contact is done without consent and with the intent to degrade, humiliate or demean the person touched or with the intent of arousing, appealing to or gratifying the lust, passion or sexual desires of the actor or any other person. For purposes of this section, "intimate parts" means the genital area, groin, inner thighs, buttocks or breasts.

(2) Sexual battery is a misdemeanor and shall be punishable by up to one (1) year in jail, or a fine of up to two thousand dollars (\$2,000), or both.

SECTION 2. That Chapter 9, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-925, Idaho Code, and to read as follows:

18-925. AGGRAVATED SEXUAL BATTERY. (1) Aggravated sexual battery is sexual battery as defined in section 18-924, Idaho Code, when the forbidden contact occurs under the circumstances described in section 18-907, Idaho Code.

(2) Aggravated sexual battery is a felony and shall be punishable by imprisonment in the state prison for a period not to exceed twenty (20) years.

SECTION 3. That Section 18-8304, Idaho Code, be, and the same is hereby amended to read as follows:

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

(a) On or after July 1, 1993, is convicted of the crime, or an attempt, a solicitation, or a conspiracy to commit a crime provided for in section 18-909 (assault with intent to commit rape, infamous crime

1 against nature, or lewd and lascivious conduct with a minor, but ex-
 2 cluding mayhem, murder or robbery), 18-911 (battery with intent to
 3 commit rape, infamous crime against nature, or lewd and lascivious
 4 conduct with a minor, but excluding mayhem, murder or robbery), 18-919
 5 (sexual exploitation by a medical care provider), 18-925 (aggravated
 6 sexual battery), 18-1505B (sexual abuse and exploitation of a vul-
 7 nerable adult), 18-1506 (sexual abuse of a child under sixteen years
 8 of age), 18-1506A (ritualized abuse of a child), felony violations of
 9 18-1507 (sexual exploitation of a child), 18-1508 (lewd conduct with
 10 a minor child), 18-1508A (sexual battery of a minor child sixteen or
 11 seventeen years of age), 18-1509A (enticing a child over the inter-
 12 net), 18-4003(d) (murder committed in perpetration of rape), 18-4116
 13 (indecent exposure, but excluding a misdemeanor conviction), 18-4502
 14 (first degree kidnapping committed for the purpose of rape, committing
 15 the infamous crime against nature or for committing any lewd and las-
 16 civious act upon any child under the age of sixteen, or for purposes of
 17 sexual gratification or arousal), 18-4503 (second degree kidnapping
 18 where the victim is an unrelated minor child), 18-5605 (detention for
 19 prostitution), 18-5609 (inducing person under eighteen years of age
 20 into prostitution), 18-5610 (utilizing a person under eighteen years of
 21 age for prostitution), 18-5611 (inducing person under eighteen years of
 22 age to patronize a prostitute), 18-6101 (rape, but excluding 18-6101(1)
 23 where the defendant is eighteen years of age), 18-6110 (sexual contact
 24 with a prisoner), 18-6602 (incest), 18-6605 (crime against nature),
 25 18-6608 (forcible sexual penetration by use of a foreign object),
 26 18-6609 (video voyeurism where the victim is a minor or upon a second or
 27 subsequent conviction), 18-7804 (if the racketeering act involves kid-
 28 napping of a minor) or 18-8602(1) (sex trafficking), Idaho Code, ~~(sex~~
 29 ~~trafficking)~~.

30 (b) On or after July 1, 1993, has been convicted of any crime, an at-
 31 tempt, a solicitation or a conspiracy to commit a crime in another ju-
 32 risdiction or who has a foreign conviction that is substantially equiv-
 33 alent to the offenses listed in paragraph (a) of this subsection and en-
 34 ters this state to establish residence or for employment purposes or to
 35 attend, on a full-time or part-time basis, any public or private edu-
 36 cational institution including any secondary school, trade or profes-
 37 sional institution or institution of higher education.

38 (c) Has been convicted of any crime, an attempt, a solicitation or a
 39 conspiracy to commit a crime in another jurisdiction, including mili-
 40 tary courts, that is substantially equivalent to the offenses listed in
 41 paragraph (a) of this subsection and was required to register as a sex
 42 offender in any other state or jurisdiction when he established resi-
 43 dency in Idaho.

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

48 (e) Is a nonresident regularly employed or working in Idaho or is a stu-
 49 dent in the state of Idaho and was convicted, found guilty or pleaded
 50 guilty to a crime covered by this chapter and, as a result of such con-

1 conviction, finding or plea, is required to register in his state of resi-
2 dence.

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

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

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