

IN THE SENATE

SENATE BILL NO. 1328

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO RUNAWAY CHILDREN; AMENDING SECTION 18-1510, IDAHO CODE, TO PRO-
2 VIDE AN EXEMPTION FOR CERTAIN VIOLATIONS FOR LICENSED CHILDREN'S RESI-
3 DENTIAL CARE FACILITIES AND BEHAVIORAL HEALTH YOUTH CRISIS CENTERS PRO-
4 VIDING EMERGENCY RUNAWAY SERVICES; AND DECLARING AN EMERGENCY AND PRO-
5 VIDING AN EFFECTIVE DATE.
6

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

8 SECTION 1. That Section 18-1510, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 18-1510. PROVIDING SHELTER TO RUNAWAY CHILDREN. (1) A person who
11 knowingly or intentionally provides housing or other accommodations to a
12 child seventeen (17) years of age or younger without the authority of: (a)
13 the custodial parent or guardian of the child; (b) the state of Idaho or a po-
14 litical subdivision thereof; or (c) the one having legal custody of the child
15 shall be guilty of a misdemeanor. Nothing contained in this section shall be
16 construed to prevent the lawful detention of a minor child or the rendering
17 of emergency aid or assistance to a minor child. It shall be an affirmative
18 defense to the provisions of this section that the person providing housing
19 or other accommodations to the child has notified the custodial parent or
20 guardian or the county sheriff or city police of the child's whereabouts. It
21 shall also be an affirmative defense to the provisions of this section that
22 the person providing housing or other accommodations to the child notices
23 reasonable evidence that the child has been abused by the custodial parent
24 or guardian.

25 (2) (a) Licensed children's residential care facilities and behavioral
26 health youth crisis centers providing emergency runaway services are
27 not guilty of a violation of this section if:

28 (i) The child is a runaway who consents to shelter, care, or li-
29 censed service;

30 (ii) The shelter is unable to locate the child's parent or legal
31 guardian or the child refuses to disclose the contact information
32 of the child's parent or legal guardian; and

33 (iii) The facility has notified the county sheriff or police of the
34 child's whereabouts pursuant to local laws and licensure require-
35 ments.

36 (b) Licensed children's residential care facilities and behavioral
37 health youth crisis centers are still required to comply with reporting
38 requirements pursuant to section 16-1605, Idaho Code.

39 ~~(2)~~ (3) A person convicted of a violation of the provisions of this sec-
40 tion shall be punished by imprisonment for a period not in excess of six (6)
41 months, a fine not in excess of five thousand dollars (\$5,000) or by both such
42 fine and imprisonment. Additionally, any real property utilized in viola-

1 tion of the provisions of this section may be declared a public nuisance pur-
2 suant to chapter 1, title 52, Idaho Code.

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