

IN THE SENATE

SENATE BILL NO. 1413

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO CRIMES AND PUNISHMENT; AMENDING CHAPTER 13, TITLE 18, IDAHO  
2 CODE, BY THE ADDITION OF A NEW SECTION 18-1353B, IDAHO CODE, TO PROHIBIT  
3 THE USE OF ELECTRONIC COMMUNICATION TO TERRIFY, INTIMIDATE, THREATEN,  
4 OR HARASS PUBLIC OFFICERS, TO PROVIDE FOR WHERE A VIOLATION HAS BEEN  
5 COMMITTED, TO PROVIDE EXCEPTIONS, TO PROVIDE A PENALTY, AND TO DEFINE  
6 TERMS; AMENDING CHAPTER 64, TITLE 18, IDAHO CODE, BY THE ADDITION OF  
7 A NEW SECTION 18-6411, IDAHO CODE, TO PROHIBIT TARGETED PICKETING, TO  
8 PROVIDE AN EXCEPTION, AND TO PROVIDE A PENALTY; AND DECLARING AN EMER-  
9 GENCY AND PROVIDING AN EFFECTIVE DATE.  
10

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

12 SECTION 1. That Chapter 13, Title 18, Idaho Code, be, and the same is  
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
14 ignated as Section 18-1353B, Idaho Code, and to read as follows:

15 18-1353B. USE OF ELECTRONIC COMMUNICATION TO TERRIFY, INTIMIDATE,  
16 THREATEN, OR HARASS PUBLIC OFFICERS. (1) It shall be unlawful for a person to  
17 knowingly terrify, intimidate, threaten, or harass a public officer by doing  
18 any of the following:

19 (a) Directing any obscene, lewd, or profane language or suggesting any  
20 lewd or lascivious act to the public officer in an electronic communica-  
21 tion;

22 (b) Threatening to inflict physical harm on any public officer or to  
23 such officer's property in any electronic communication;

24 (c) Otherwise disturbing by repeated anonymous, unwanted, or un-  
25 solicited electronic communications the peace, quiet, or right of  
26 privacy of the public officer at the place where the communications were  
27 received, including such officer's place of private employment, if ap-  
28 plicable; or

29 (d) Without the public officer's consent and for the purpose of immi-  
30 nently causing the public officer unwanted physical contact, injury,  
31 or harassment by a third party, using an electronic communication de-  
32 vice to electronically distribute, publish, email, hyperlink, or make  
33 available for downloading the public officer's personal identifying  
34 information, including a digital image of the person, which use does in  
35 fact incite or produce such unwanted physical contact, injury, or ha-  
36 rassment. The provisions of this paragraph shall apply to a person who  
37 intends to terrify, intimidate, threaten, or harass an immediate family  
38 member of the public officer whose personal identifying information is  
39 used.

40 (2) Any offense committed by use of an electronic communication in vio-  
41 lation of subsection (1) of this section is deemed to have been committed at

1 either the place where the communications originated or at the place where  
2 the communications were received.

3 (3) The provisions of subsection (1) of this section shall not apply to:

4 (a) Constitutionally protected speech or activity or to any other ac-  
5 tivity authorized by law; or

6 (b) An interactive computer service, as defined in 47 U.S.C. 230(f)(2),  
7 or to an information service or telecommunications service, as defined  
8 in 47 U.S.C. 153, for content that is provided by another person.

9 (4) A person who violates the provisions of subsection (1) of this sec-  
10 tion shall be guilty of a misdemeanor.

11 (5) As used in this section:

12 (a) "Electronic communication" means a social media post; a wire line,  
13 cable, wireless, or cellular telephone call; a text message; an instant  
14 message; or electronic mail.

15 (b) "Electronic communication device" includes a telephone; mobile  
16 telephone; computer; internet website; internet telephone; hybrid cel-  
17 lular, internet, or wireless device; personal digital assistant; video  
18 recorder; fax machine; or pager.

19 (c) "Harassment" means a knowing and willful course of conduct that is  
20 directed at a specific person, that a reasonable person would consider  
21 as seriously alarming, seriously disruptive, seriously tormenting, or  
22 seriously terrorizing the person, and that serves no legitimate pur-  
23 pose.

24 (d) "Personal identifying information":

25 (i) Means information that would allow the identified person to  
26 be located, contacted, or harassed; and

27 (ii) Includes the person's home address, work address, phone num-  
28 ber, email address, or other contact information that would allow  
29 the identified person to be located, contacted, or harassed.

30 (e) "Public officer" means any person holding public office of a gov-  
31 ernmental entity in this state:

32 (i) As an elected official, by virtue of an election process, in-  
33 cluding persons appointed to a vacant elected office; or

34 (ii) As an appointed official by virtue of a formal appointment as  
35 required by law.

36 (f) "Social media post" means a social media communication that is  
37 knowingly intended to communicate to a specific person or persons in  
38 violation of subsection (1) of this section.

39 SECTION 2. That Chapter 64, Title 18, Idaho Code, be, and the same is  
40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
41 ignated as Section 18-6411, Idaho Code, and to read as follows:

42 18-6411. TARGETED PICKETING. (1) Any person who intentionally engages  
43 in picketing or otherwise demonstrates on the street or sidewalk in front  
44 of a person's residence or dwelling place, or the adjacent residence or  
45 dwelling place, with the intent to harass, annoy, or alarm another person  
46 commits targeted picketing. The provisions of this subsection shall not ap-  
47 ply to a residence or dwelling place used as the principal place of business  
48 of an individual.

1           (2) Any person who engages in targeted picketing shall be guilty of a  
2 misdemeanor.

3           SECTION 3. 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, 2022.