

IN THE SENATE

SENATE BILL NO. 1105

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO SEX OFFENDER REGISTRATION; AMENDING SECTION 18-8304, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPLICABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. 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 or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery), 18-911 (battery with intent to commit rape or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery), 18-919 (sexual exploitation by a medical care provider), 18-925 (aggravated sexual battery), 18-1505B (sexual abuse and exploitation of a vulnerable adult), 18-1506 (sexual abuse of a child under sixteen years of age), 18-1506A (ritualized abuse of a child), felony violations of 18-1507 (sexual exploitation of a child), 18-1508 (lewd conduct with a minor child), 18-1508A (sexual battery of a minor child sixteen or seventeen years of age), 18-1509A (enticing a child over the internet), 18-4003(d) (murder committed in perpetration of rape), 18-4116 (indecent exposure, but excluding a misdemeanor conviction), 18-4502 (first degree kidnapping committed for the purpose of rape or for committing any lewd and lascivious act upon any child under the age of sixteen, or for purposes of sexual gratification or arousal), 18-4503 (second degree kidnapping where the victim is an unrelated minor child), 18-5605 (detention for prostitution), 18-5609 (inducing person under eighteen years of age into prostitution), 18-5610 (utilizing a person under eighteen years of age for prostitution), 18-5611 (inducing person under eighteen years of age to patronize a prostitute), 18-6101 (rape, but excluding 18-6101(1) where the defendant is eighteen years of age), 18-6110 (sexual contact with a prisoner), 18-6601 (incest), 18-6602 (sexual abuse of an animal), 18-6603 (sexual abuse of human remains), 18-6604 (forcible penetration by use of a foreign object), 18-6605 (video voyeurism where the victim is a minor or upon a second or subsequent conviction), 18-7804 (if the racketeering act involves kidnapping of a minor) or 18-8602(1) (a) (i) (sex trafficking), Idaho Code.

(b) On or after July 1, 1993, has been convicted of any crime, an attempt, a solicitation, or a conspiracy to commit a crime in another jurisdiction, including military courts, or who has a foreign conviction

1 that is substantially equivalent to the offenses listed in paragraphs  
2 (a) ~~and~~ or (f) of this subsection and enters this state to establish res-  
3 idence or for employment purposes or to attend, on a full-time or part-  
4 time basis, any public or private educational institution including any  
5 secondary school, trade or professional institution or institution of  
6 higher education.

7 (c) Has been convicted of any crime, an attempt, a solicitation or a  
8 conspiracy to commit a crime in another jurisdiction, including mil-  
9 itary courts, or who has a foreign conviction that is substantially  
10 equivalent to the offenses listed in paragraphs (a) ~~and~~ or (f) of this  
11 subsection and was required to register as a sex offender in any other  
12 state or jurisdiction when he established residency in Idaho.

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

17 (e) Is a nonresident regularly employed or working in Idaho or is a stu-  
18 dent in the state of Idaho and was convicted, found guilty or pleaded  
19 guilty to a crime covered by this chapter and, as a result of such con-  
20 viction, finding or plea, is required to register in his state of resi-  
21 dence.

22 (f) On or after July 1, 1993, is convicted of the crime or an attempt,  
23 solicitation, or conspiracy to commit the infamous crime against na-  
24 ture, a felony offense formerly codified in chapter 66, title 18, Idaho  
25 Code, and whose conviction is entered before July 1, 2022.

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

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

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

36 SECTION 2. An emergency existing therefor, which emergency is hereby  
37 declared to exist, this act shall be in full force and effect on and after  
38 July 1, 2023.