

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 505

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO SEXUAL EXPLOITATION OF A CHILD; AMENDING CHAPTER 15, TITLE 18,
2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1507A, IDAHO CODE, TO
3 PROVIDE THAT SEXUAL EXPLOITATION OF A CHILD BY CERTAIN ELECTRONIC MEANS
4 SHALL BE A MISDEMEANOR IN CERTAIN INSTANCES, TO PROVIDE THAT SEXUAL EX-
5 PLOITATION OF A CHILD BY CERTAIN ELECTRONIC MEANS SHALL BE A FELONY IN
6 CERTAIN INSTANCES AND TO PROVIDE THAT PROCEEDINGS SHALL FALL UNDER THE
7 JUVENILE CORRECTIONS ACT.
8

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

10 SECTION 1. That Chapter 15, Title 18, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 18-1507A, Idaho Code, and to read as follows:

13 18-1507A. SEXUAL EXPLOITATION OF A CHILD BY ELECTRONIC MEANS. (1) A
14 minor child who, without coercion, manipulation or fraud, creates or causes
15 to be created any photographic, electronic or video content of said minor
16 child that would be characterized under any of the classifications defined
17 in section 18-1507(1)(c) through (j), Idaho Code, and distributes it to an-
18 other minor through electronic or other means or causes it to appear in a form
19 where the distributing minor has reason to believe another will view it is
20 guilty of a misdemeanor if:

21 (a) (i) The image was communicated in a form that there was a single
22 intended minor recipient; and

23 (ii) The image transmitted between the minor child and minor re-
24 cipient was consensual; or

25 (b) On a first offense, the content was communicated in such a way and
26 through such a medium that the minor intended or had reason to believe
27 that multiple parties would receive or have access to the image.

28 (2) A minor who is found to be in possession of the content created and
29 sent as described in subsection (1) of this section is guilty of a misde-
30 meanor if the image transmitted between the minor child and minor recipient
31 was consensual and if the content depicts a minor who is not more than three
32 (3) years younger than the minor who is found to be in possession.

33 (3) A minor is guilty of a felony if:

34 (a) On a second or subsequent offense, the content was communicated in
35 such a way and through such a medium that the minor intended or had rea-
36 son to believe that multiple parties would receive or have access to the
37 image;

38 (b) The minor is found to be in possession of content described in sub-
39 section (1) of this section and the minor transmits or displays the im-
40 age to a third party; or

41 (c) The minor receives content under circumstances described in this
42 section and threatens to distribute the image for the purposes of coerc-

1 ing any action, causing any embarrassment or otherwise controlling or
2 manipulating the sender.

3 (4) Proceedings for a violation of the provisions of this section shall
4 fall under the jurisdiction of the juvenile corrections act pursuant to sec-
5 tion 20-505(1), Idaho Code.