

IN THE SENATE

SENATE BILL NO. 1270, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO FORCIBLE PENETRATION; AMENDING SECTION 18-6608, IDAHO CODE, TO
REVISE THE CONDITIONS FOR COMMITTING THE CRIME OF FORCIBLE PENETRATION
BY A FOREIGN OBJECT AND TO PROVIDE EXCEPTIONS.

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

SECTION 1. That Section 18-6608, Idaho Code, be, and the same is hereby
amended to read as follows:

18-6608. FORCIBLE ~~SEXUAL~~ PENETRATION BY USE OF FOREIGN OBJECT. Every person who, ~~for the purpose of sexual arousal, gratification or abuse,~~ willfully causes the penetration, however slight, of the genital or anal opening of another person, by any object, instrument or device:

(1) Against the victim's will by:

(a) Use of force or violence; or

(b) Duress; or

(c) Threats of immediate and great bodily harm, accompanied by apparent power of execution; or

(2) Where the victim is incapable, through any unsoundness of mind, whether temporary or permanent, of giving legal consent; or

(3) Where the victim is prevented from resistance by any intoxicating, narcotic or anesthetic substance; or

(4) Where the victim is at the time unconscious of the nature of the act because the victim:

(a) Was unconscious or asleep; or

(b) Was not aware, knowing, perceiving or cognizant that the act occurred;

shall be guilty of a felony and shall be punished by imprisonment in the state prison for not more than life.

The provisions of this section shall not apply to bona fide medical, health care or hygiene procedures.