

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 457

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO SEXUAL OFFENDER REGISTRATION NOTIFICATION AND COMMUNITY
2 RIGHT-TO-KNOW ACT; AMENDING SECTION 18-8329, IDAHO CODE, TO PROVIDE FOR
3 THE PROHIBITION OF SEX OFFENDERS FROM DAYCARE FACILITIES AND GROUNDS,
4 TO DEFINE TERMS, AND TO MAKE TECHNICAL CORRECTIONS.
5

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

7 SECTION 1. That Section 18-8329, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 18-8329. ADULT CRIMINAL SEX OFFENDERS -- PROHIBITED ACCESS TO SCHOOL
10 CHILDREN -- EXCEPTIONS. (1) If a person is currently registered or is re-
11 quired to register under the sex offender registration act as provided in
12 chapter 83, title 18, Idaho Code, it is a misdemeanor for such person to:

13 (a) Be upon or to remain on the premises of any school building or school
14 grounds in this state, upon the premises or grounds of any daycare, or
15 upon other properties posted with a notice that they are used by a school
16 or daycare, when the person has reason to believe children under the age
17 of eighteen (18) years are present and are involved in a school or day-
18 care activity, or when children are present within thirty (30) minutes
19 before or after a scheduled school or daycare activity.

20 (b) Knowingly loiter on a public way within five hundred (500) feet from
21 the property line of school or daycare grounds in this state, includ-
22 ing properties posted with a notice that they are used by a school or
23 daycare, when children under the age of eighteen (18) years are present
24 and are involved in a school or daycare activity, or when children are
25 present within thirty (30) minutes before or after a scheduled school or
26 daycare activity.

27 (c) Be in any conveyance owned or leased by a school or daycare to trans-
28 port students to or from school or daycare or a school- or daycare-re-
29 lated activity when children under the age of eighteen (18) years are
30 present in the conveyance.

31 (d) Reside within five hundred (500) feet of the property on which a
32 school or daycare is located, measured from the nearest point of the ex-
33 terior wall of the offender's dwelling unit to the school's or daycare's
34 property line, provided however, that this paragraph ~~(d)~~ shall not ap-
35 ply if such person's residence was established prior to July 1, 2006,
36 for a school, and prior to July 1, 2020, for a daycare in existence on
37 that date. This paragraph shall not apply to such person whose resi-
38 dence is established prior to the establishment of a daycare within five
39 hundred (500) feet of his dwelling unit.

40 (e) For purposes of this chapter, "school" means any public or private
41 school. "Daycare" means any licensed daycare as defined in chapter 11,
42 title 39, Idaho Code.

1 The posted notices required in this subsection ~~(1)~~ shall be at least one
 2 hundred (100) square inches, shall make reference to section 18-8329, Idaho
 3 Code, shall include the term "registered sex offender" and shall be placed at
 4 all public entrances to the property.

5 (2) The provisions of subsections (1) (a) and ~~(1)~~(b) of this section
 6 shall not apply when the person:

7 (a) Is a student in attendance at the school; or

8 (b) Resides at a state-licensed or certified facility for incarceration,
 9 health or convalescent care; or

10 (c) Is exercising his right to vote in public elections; or

11 (d) Is taking delivery of his mail through an official post office lo-
 12 cated on school grounds; or

13 (e) Stays at a homeless shelter or resides at a recovery facility if
 14 such shelter or facility has been approved for sex offenders by the
 15 county sheriff or municipal police chief; or

16 (f) Contacts the school district or daycare office annually and prior
 17 to his first visit of a school year and has obtained written permission
 18 from the district or daycare to be on the school or daycare grounds or
 19 upon other property posted with a notice that the property is used by
 20 a school or daycare. For the purposes of this section, "contacts the
 21 school district or daycare office" shall include mail, facsimile ma-
 22 chine, or by computer using the internet. The provisions of this sub-
 23 section are required for an individual who:

24 (i) Is dropping off or picking up a child or children and the per-
 25 son is the child or children's parent or legal guardian; or

26 (ii) Is attending an academic conference or other scheduled ex-
 27 tracurricular school event with school officials present when the
 28 offender is a parent or legal guardian of a child who is partic-
 29 ipating in the conference or extracurricular event. "Extracur-
 30 ricular" means any school-sponsored activity that is outside the
 31 regular curriculum, occurring during or outside regular school
 32 hours, including, but not limited to, academic, artistic, ath-
 33 letic or recreational activities; or

34 (iii) Is temporarily on school or daycare grounds, during school
 35 hours, for the purpose of making a mail, food, or other delivery.

36 (3) Nothing in this section shall prevent a school district or daycare
 37 from adopting more stringent safety and security requirements for employees
 38 and nonemployees while they are in district or daycare facilities and/or on
 39 district or daycare properties. If adopting more stringent safety and se-
 40 curity requirements, the school district or daycare shall provide the re-
 41 quirements to any individual listed in subsection (2) (f) (i) through (iii) by
 42 mail, facsimile machine, or by computer using the internet.