

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 46

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO RUNAWAY CHILDREN; AMENDING SECTION 18-1510, IDAHO CODE, TO
2 REVISE A PROVISION REGARDING EXEMPTIONS FOR CERTAIN VIOLATIONS FOR LI-
3 CENSED CHILDREN'S RESIDENTIAL CARE FACILITIES, REGISTERED CHILDREN'S
4 INSTITUTIONS, AND BEHAVIORAL HEALTH YOUTH CRISIS CENTERS PROVIDING
5 EMERGENCY RUNAWAY SERVICES AND TO MAKE TECHNICAL CORRECTIONS; AND
6 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
7

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

9 SECTION 1. That Section 18-1510, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 18-1510. PROVIDING SHELTER TO RUNAWAY CHILDREN. (1) A person who know-
12 ingly or intentionally provides housing or other accommodations to a child
13 seventeen (17) years of age or younger without the authority of: (a) the cus-
14 todial parent or guardian of the child; (b) the state of Idaho or a political
15 subdivision thereof; or (c) the one having legal custody of the child shall
16 be guilty of a misdemeanor. Nothing contained in this section shall be con-
17 strued to prevent the lawful detention of a minor child or the rendering of
18 emergency aid or assistance to a minor child. It shall be an affirmative de-
19 fense to the provisions of this section that the person providing housing
20 or other accommodations to the child has notified the custodial parent or
21 guardian or the county sheriff or city police of the child's whereabouts. It
22 shall also be an affirmative defense to the provisions of this section that
23 the person providing housing or other accommodations to the child notices
24 reasonable evidence that the child has been abused by the custodial parent or
25 guardian.

26 (2) (a) Licensed children's residential care facilities, registered
27 children's institutions, and behavioral health youth crisis centers
28 providing emergency runaway services are not guilty of a violation of
29 this section if:

30 ~~(i) The child is a runaway who consents to shelter, care, or li-~~
31 ~~censed service;~~

32 ~~(ii) (i) The facility attempts to contact and is unable to lo-~~
33 ~~cate the child's parent or legal guardian or the child refuses to~~
34 ~~disclose the contact information of the child's parent or legal~~
35 ~~guardian; and~~

36 ~~(iii) (ii) The facility has notified the county sheriff or police~~
37 ~~of the child's whereabouts pursuant to local laws and licensure~~
38 ~~requirements.~~

39 (b) Licensed children's residential care facilities, registered chil-
40 dren's institutions, and behavioral health youth crisis centers are
41 still required to comply with reporting requirements pursuant to sec-
42 tion 16-1605, Idaho Code.

- 1 (c) As used in this subsection:
2 (i) "Behavioral health youth crisis center" means a voluntary
3 outpatient facility operated twenty-four (24) hours a day, seven
4 (7) days a week, and three hundred sixty-five (365) days a year
5 to provide evaluation, intervention, and referral for youth sev-
6 enteen (17) years of age or younger who are experiencing a crisis
7 due to a behavioral health condition. The facility may not provide
8 services to a youth client for more than twenty-three (23) hours
9 and fifty-nine (59) minutes in a single episode of care.
10 (ii) "Licensed children's residential care facility" has the same
11 meaning as in section 39-1202, Idaho Code.
12 (iii) "Registered children's institution" has the same meaning as
13 in section 39-1202, Idaho Code.
14 (3) A person convicted of a violation of the provisions of this sec-
15 tion shall be punished by imprisonment for a period not in excess of six (6)
16 months, a fine not in excess of five thousand dollars (\$5,000), or by both
17 such ~~fine and imprisonment~~ and fine. Additionally, any real property uti-
18 lized in violation of the provisions of this section may be declared a public
19 nuisance pursuant to chapter 1, title 52, Idaho Code.

20 SECTION 2. An emergency existing therefor, which emergency is hereby
21 declared to exist, this act shall be in full force and effect on and after
22 July 1, 2025.