STATEMENT OF PURPOSE

RS32015 / H0155

This legislation creates a penalty for impeding and trespassing related to strategic facilities. The bill includes provisions for misdemeanor and felony charges based on the circumstances of the action.

Misdemeanor impeding: For individuals who plead or are found guilty, sentencing may include up to six months in jail and a fine up to $10,000.

Felony impeding: For individuals who plead or are found guilty if damages are more than $10,000, sentencing includes up to two years in a state penitentiary and a fine up to $100,000 (not to exceed the damage or economic loss).

Misdemeanor trespassing: For individuals who plead or are found guilty for the first time, sentencing may include up to six months in jail and a fine of up to $1,000.

Felony trespassing: For any person who pleads or is found guilty of trespassing for a second time within five years, it qualifies as a felony with a sentence of up to 10 years imprisonment and a fine of up to $20,000.

A separate fine of up to $100,000 exists for an individual or organization that solicits impeding or trespassing of strategic facilities. This legislation does not limit any activities protected under the U.S. or Idaho Constitutions.

FISCAL NOTE

This legislation will have a de minimus impact on the General Fund or other funding sources, assuming prosecution remains with local authorities for misdemeanor charges. In the event, prosecution results in a felony plea or conviction and placement in a state facility, the average cost per day (FY20) for an Idaho prison resident is $74.34. If the Attorney General leads the prosecution, the office is currently funded.

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