

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 183

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO THE BOLTER-STALL DEFEND THE DEFENDER ACT; PROVIDING A SHORT TI-  
2 TLE; AMENDING SECTION 18-915, IDAHO CODE, TO PROVIDE A PENALTY; AMEND-  
3 ING SECTION 18-4004, IDAHO CODE, TO PROVIDE A PENALTY; AND DECLARING AN  
4 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
5

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

7 SECTION 1. SHORT TITLE. This act shall be known and may be cited as the  
8 "Bolter-Stall Defend the Defender Act."

9 SECTION 2. That Section 18-915, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 18-915. ASSAULT OR BATTERY UPON CERTAIN PERSONNEL -- PUNISHMENT. (1)  
12 Any person who commits a crime provided for in this chapter against or upon  
13 a justice, judge, magistrate, prosecuting attorney, public defender, peace  
14 officer, bailiff, marshal, sheriff, police officer, peace officer standards  
15 and training employee involved in peace officer decertification activi-  
16 ties, emergency services dispatcher, correctional officer, employee of the  
17 department of correction, employee of a private prison contractor while  
18 employed at a private correctional facility in the state of Idaho, members  
19 or employees of the commission of pardons and parole, employees of the de-  
20 partment of water resources authorized to enforce the provisions of chapter  
21 38, title 42, Idaho Code, employees of the department of parks and recreation  
22 authorized to enforce the provisions of chapter 42, title 67, Idaho Code,  
23 employees of a public utility as described in section 61-129, Idaho Code,  
24 including any employee of a consumer-owned utility, jailer, parole officer,  
25 misdemeanor probation officer, officer of the Idaho state police, fireman,  
26 social caseworkers or social work specialists of the department of health  
27 and welfare, employee of a state secure confinement facility for juveniles,  
28 employee of a juvenile detention facility, a teacher at a detention facil-  
29 ity or a juvenile probation officer, emergency medical services personnel  
30 licensed under the provisions of chapter 10, title 56, Idaho Code, a member,  
31 employee or agent of the state tax commission, United States marshal, or  
32 federally commissioned law enforcement officer or their deputies or agents,  
33 and the perpetrator knows or has reason to know of the victim's status, the  
34 punishment shall be as follows:

35 (a) For committing battery with intent to commit a serious felony,  
36 the punishment shall be imprisonment in the state prison not to exceed  
37 twenty-five (25) years.

38 (b) For committing any crime in this chapter against a peace officer,  
39 the punishment shall be a mandatory fixed term of imprisonment of fif-  
40 teen (15) years with a possible maximum term of life.

1       ~~(b)~~ (c) For committing any other crime in this chapter, the punishment  
2 shall be doubled that provided in the respective section, except as pro-  
3 vided in subsections (1) (b), (2), and (3) of this section.

4       (2) For committing a violation of the provisions of section 18-901 or  
5 18-903, Idaho Code, against the person of a former or present justice, judge  
6 or magistrate, jailer or correctional officer or other staff of the depart-  
7 ment of correction, or of a county jail, or of a private correctional facil-  
8 ity, or of an employee of a state secure confinement facility for juveniles,  
9 an employee of a juvenile detention facility, a teacher at a detention facil-  
10 ity, misdemeanor probation officer, a juvenile probation officer, or member  
11 or employee of the commission of pardons and parole:

12       (a) Because of the exercise of official duties or because of the vic-  
13 tim's former or present official status; or

14       (b) While the victim is engaged in the performance of his or her duties  
15 and the person committing the offense knows or reasonably should know  
16 that such victim is a justice, judge or magistrate, jailer or correc-  
17 tional officer or other staff of the department of correction, or of a  
18 private correctional facility, an employee of a state secure confine-  
19 ment facility for juveniles, an employee of a juvenile detention facil-  
20 ity, a teacher at a detention facility, misdemeanor probation officer  
21 or a juvenile probation officer;

22 the offense shall be a felony punishable by imprisonment in a correctional  
23 facility for a period of not more than five (5) years, and said sentence shall  
24 be served consecutively to any sentence being currently served.

25       (3) For committing a violation of the provisions of section 18-903,  
26 Idaho Code, except unlawful touching as described in section 18-903(b),  
27 Idaho Code, against the person of a former or present peace officer, sheriff  
28 or police officer:

29       (a) Because of the exercise of official duty or because of the victim's  
30 former or present official status; or

31       (b) While the victim is engaged in the performance of his or her duties  
32 and the person committing the offense knows or reasonably should know  
33 that such victim is a peace officer, sheriff or police officer;

34 the offense shall be a felony punishable by imprisonment in a correctional  
35 facility for a period of not more than five (5) years, and said sentence shall  
36 be served consecutively to any sentence being currently served.

37       SECTION 3. That Section 18-4004, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39       18-4004. PUNISHMENT FOR MURDER. Subject to the provisions of sections  
40 19-2515 and 19-2515A, Idaho Code, every person guilty of murder of the first  
41 degree shall be punished by death or by imprisonment for life, provided that  
42 a sentence of death shall not be imposed unless the prosecuting attorney  
43 filed written notice of intent to seek the death penalty as required under  
44 the provisions of section 18-4004A, Idaho Code, and provided further that  
45 whenever the death penalty is not imposed the court shall impose a sentence.  
46 If a jury, or the court if a jury is waived, finds a statutory aggravating  
47 circumstance beyond a reasonable doubt but finds that the imposition of the  
48 death penalty would be unjust, the court shall impose a fixed life sentence.  
49 If a jury, or the court if a jury is waived, does not find a statutory aggra-

1 vating circumstance beyond a reasonable doubt or if the death penalty is not  
2 sought, the court shall impose a life sentence with a minimum period of con-  
3 finement of not less than ten (10) years, or in the case of murder of a peace  
4 officer not less than thirty-five (35) years, during which period of con-  
5 finement the offender shall not be eligible for parole or discharge or credit  
6 or reduction of sentence for good conduct, except for meritorious service.  
7 Every person guilty of murder of the second degree is punishable by imprison-  
8 ment not less than ten (10) years and the imprisonment may extend to life.

9 SECTION 4. An emergency existing therefor, which emergency is hereby  
10 declared to exist, this act shall be in full force and effect on and after  
11 July 1, 2025.