

STATEMENT OF PURPOSE

RS19249

This is one of a series of bills that the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the laws, as required under article V, section 25 of the Idaho Constitution. The crime of escape is defined in Idaho Code § 18-2505, pertaining to persons charged with or convicted of felonies, and Idaho Code § 18-2506, pertaining to persons charged with or convicted of misdemeanors. A provision was added to both statutes in 2007 that states that the crime of escape includes "the intentional act of leaving the area of restriction set forth in a court order admitting a person to bail or release on a persons own recognizance with electronic or global positioning system tracking, monitoring and detention or the area of restriction set forth in a sentencing order, except for leaving the area of restriction for the purpose of obtaining emergency medical care." The words "and detention" are superfluous. The crime consists of leaving the area of restriction as set forth in the court order where there is electronic or GPS monitoring. The words "and detention" make it appear that there is another undefined element of detention possibly home detention that must be proven to establish the commission of this crime. This could lead to confusion and an ability to hold persons to account who left the area of restriction in violation of a court order. This bill would remove the superfluous words from these statutes.

FISCAL NOTE

This bill would have no impact on the general fund.

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