

IN THE SENATE

SENATE BILL NO. 1341

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO INJURY TO CHILDREN; AMENDING SECTION 18-1501, IDAHO CODE, TO
REVISE A MAXIMUM SENTENCE.

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

SECTION 1. That Section 18-1501, Idaho Code, be, and the same is hereby
amended to read as follows:

18-1501. INJURY TO CHILDREN. (1) Any person who, under circumstances
or conditions likely to produce great bodily harm or death, willfully causes
or permits any child to suffer, or inflicts thereon unjustifiable physical
pain or mental suffering, or having the care or custody of any child,
willfully causes or permits the person or health of such child to be injured,
or willfully causes or permits such child to be placed in such situation that
its person or health is endangered, is punishable by imprisonment in the
county jail not exceeding one (1) year, or in the state prison for not less
than one (1) year nor more than ten (10) years; provided however, when great
bodily harm, permanent disability or permanent disfigurement results, the
maximum penalty shall not be in excess of twenty (20) years.

(2) Any person who, under circumstances or conditions other than those
likely to produce great bodily harm or death, willfully causes or permits any
child to suffer, or inflicts thereon unjustifiable physical pain or mental
suffering, or having the care or custody of any child, willfully causes or
permits the person or health of such child to be injured, or willfully causes
or permits such child to be placed in such situation that its person or health
may be endangered, is guilty of a misdemeanor.

(3) A person over the age of eighteen (18) years commits the crime of
injury to a child if the person transports a minor in a motor vehicle or
vessel as defined in section 67-7003, Idaho Code, while under the influence
of alcohol, intoxicating liquor, a controlled substance, or any combination
thereof, in violation of section 18-8004 or 67-7034, Idaho Code. Any person
convicted of violating this subsection is guilty of a misdemeanor. If a
child suffers bodily injury or death due to a violation of this subsection,
the violation will constitute a felony punishable by imprisonment for
not more than ten (10) years, unless a more severe penalty is otherwise
prescribed by law.

(4) The practice of a parent or guardian who chooses for his child
treatment by prayer or spiritual means alone shall not for that reason alone
be construed to have violated the duty of care to such child.

(5) As used in this section, "willfully" means acting or failing to act
where a reasonable person would know the act or failure to act is likely to
result in injury or harm or is likely to endanger the person, health, safety
or well-being of the child.