

IN THE SENATE

SENATE BILL NO. 1372

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO ASSAULT AND BATTERY; AMENDING SECTION 18-915, IDAHO CODE,  
2 TO REVISE PROVISIONS RELATING TO ASSAULT OR BATTERY UPON CERTAIN  
3 PERSONNEL.  
4

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

6 SECTION 1. That Section 18-915, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 18-915. ASSAULT OR BATTERY UPON CERTAIN PERSONNEL -- PUNISHMENT. (1)  
9 Any person who commits a crime provided for in this chapter against or upon  
10 a justice, judge, magistrate, prosecuting attorney, public defender, peace  
11 officer, bailiff, marshal, sheriff, police officer, correctional officer,  
12 employee of the department of correction, employee of a private prison  
13 contractor while employed at a private correctional facility in the state of  
14 Idaho, employees of the department of water resources authorized to enforce  
15 the provisions of chapter 38, title 42, Idaho Code, jailer, parole officer,  
16 misdemeanor probation officer, officer of the Idaho state police, fireman,  
17 social caseworkers or social work specialists of the department of health  
18 and welfare, employee of a state secure confinement facility for juveniles,  
19 employee of a juvenile detention facility, a teacher at a detention  
20 facility or a juvenile probation officer, emergency medical technician  
21 certified by the department of health and welfare, emergency medical  
22 technician-ambulance certified by the department of health and welfare,  
23 advanced emergency medical technician and EMT-paramedic certified by the  
24 state board of medicine, employees of the department of labor, a member,  
25 employee or agent of the state tax commission, United States marshal, or  
26 federally commissioned law enforcement officer or their deputies or agents  
27 and the perpetrator knows or has reason to know of the victim's status, the  
28 punishment shall be as follows:

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

32 (b) For committing any other crime in this chapter the punishment shall  
33 be doubled that provided in the respective section, except as provided  
34 in subsections (2) and (3) of this section.

35 (2) For committing a violation of the provisions of section 18-901  
36 or 18-903, Idaho Code, against the person of a former or present justice,  
37 judge or magistrate, jailer or correctional officer or other staff of the  
38 department of correction, or a county jail, or of a private correctional  
39 facility, or of an employee of a state secure confinement facility for  
40 juveniles, an employee of a juvenile detention facility, a teacher at a  
41 detention facility, misdemeanor probation officer or a juvenile probation  
42 officer:

1 (a) Because of the exercise of official duties or because of the  
2 victim's former or present official status; or

3 (b) While the victim is engaged in the performance of his duties and  
4 the person committing the offense knows or reasonably should know that  
5 such victim is a justice, judge or magistrate, jailer or correctional  
6 officer or other staff of the department of correction, or of a private  
7 correctional facility, an employee of a state secure confinement  
8 facility for juveniles, an employee of a juvenile detention facility,  
9 a teacher at a detention facility, misdemeanor probation officer or a  
10 juvenile probation officer;

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

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

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

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

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