

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 27

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1
2 RELATING TO ASSAULT AND BATTERY; AMENDING SECTION 18-915, IDAHO CODE, TO RE-
3 VISE PROVISIONS RELATING TO ASSAULT OR BATTERY UPON CERTAIN PERSONNEL
4 AND TO MAKE A TECHNICAL CORRECTION.

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, peace officer standards
12 and training employee involved in peace officer decertification activi-
13 ties, emergency services dispatcher, correctional officer, employee of the
14 department of correction, employee of a private prison contractor while em-
15 ployed at a private correctional facility in the state of Idaho, employees
16 of the department of water resources authorized to enforce the provisions
17 of chapter 38, title 42, Idaho Code, jailer, parole officer, misdemeanor
18 probation officer, officer of the Idaho state police, fireman, social case-
19 workers or social work specialists of the department of health and welfare,
20 employee of a state secure confinement facility for juveniles, employee of a
21 juvenile detention facility, a teacher at a detention facility or a juvenile
22 probation officer, emergency medical technician certified by the department
23 of health and welfare, emergency medical technician-ambulance certified by
24 the department of health and welfare, advanced emergency medical technician
25 and EMT-paramedic certified by the state board of medicine emergency medical
26 services personnel licensed under the provisions of chapter 10, title 56,
27 Idaho Code, a member, employee or agent of the state tax commission, United
28 States marshal, or federally commissioned law enforcement officer or their
29 deputies or agents and the perpetrator knows or has reason to know of the
30 victim's status, the punishment shall be as follows:

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

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

37 (2) For committing a violation of the provisions of section 18-901 or
38 18-903, Idaho Code, against the person of a former or present justice, judge
39 or magistrate, jailer or correctional officer or other staff of the depart-
40 ment of correction, or of a county jail, or of a private correctional facil-
41 ity, or of an employee of a state secure confinement facility for juveniles,

1 an employee of a juvenile detention facility, a teacher at a detention facil-
2 ity, misdemeanor probation officer or a juvenile probation officer:

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

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

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

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

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

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

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