

IN THE SENATE

SENATE BILL NO. 1221

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO HOMICIDE; AMENDING SECTION 18-4003, IDAHO CODE, TO PROVIDE ADDITIONAL PROVISIONS RELATING TO MURDER OF THE FIRST DEGREE.

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

SECTION 1. That Section 18-4003, Idaho Code, be, and the same is hereby amended to read as follows:

18-4003. DEGREES OF MURDER. (a) All murder which is perpetrated by means of poison, or lying in wait, or torture, when torture is inflicted with the intent to cause suffering, to execute vengeance, to extort something from the victim, or to satisfy some sadistic inclination, or which is perpetrated by any kind of willful, deliberate and premeditated killing is murder of the first degree.

(b) Any murder of any peace officer, executive officer, officer of the court, fireman, judicial officer or prosecuting attorney who was acting in the lawful discharge of an official duty, and was known or should have been known by the perpetrator of the murder to be an officer so acting, shall be murder of the first degree.

(c) Any murder committed by a person under a sentence for murder of the first or second degree, including such persons on parole or probation from such sentence, shall be murder of the first degree.

(d) Any murder committed in the perpetration of, or attempt to perpetrate, aggravated battery on a child under twelve (12) years of age, arson, rape, robbery, burglary, kidnapping or mayhem, or an act of terrorism, as defined in section 18-8102, Idaho Code, or the use of a weapon of mass destruction, biological weapon or chemical weapon, or the unlawful discharge of a firearm at an inhabited dwelling house, occupied building, occupied motor vehicle, inhabited mobile home, inhabited travel trailer or inhabited camper where a reasonable person would know or have reason to know that such house, building, motor vehicle, mobile home, travel trailer or camper would likely have a person or persons inside, is murder of the first degree.

(e) Any murder committed by a person incarcerated in a penal institution upon a person employed by the penal institution, another inmate of the penal institution or a visitor to the penal institution shall be murder of the first degree.

(f) Any murder committed by a person while escaping or attempting to escape from a penal institution is murder of the first degree.

(g) All other kinds of murder are of the second degree.