

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 126

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO ASSAULT AND BATTERY; AMENDING SECTION 18-915, IDAHO CODE, TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO ASSAULT OR BATTERY UPON CERTAIN PERSONNEL.

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

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

18-915. ASSAULT OR BATTERY UPON CERTAIN PERSONNEL -- PUNISHMENT. (1) Any person who commits a crime provided for in this chapter against or upon a justice, judge, magistrate, prosecuting attorney, public defender, peace officer, bailiff, marshal, sheriff, police officer, peace officer standards and training employee involved in peace officer decertification activities, emergency services dispatcher, correctional officer, employee of the department of correction, employee of a private prison contractor while employed at a private correctional facility in the state of Idaho, employees of the department of water resources authorized to enforce the provisions of chapter 38, title 42, Idaho Code, jailer, parole officer, misdemeanor probation officer, officer of the Idaho state police, fireman, social case-workers or social work specialists of the department of health and welfare, employee of a state secure confinement facility for juveniles, employee of a juvenile detention facility, a teacher at a detention facility or a juvenile probation officer, emergency medical services personnel licensed under the provisions of chapter 10, title 56, Idaho Code, any person licensed, certified or registered by the state of Idaho to provide health care, an employee of a hospital, medical clinic or medical practice, a member, employee or agent of the state tax commission, United States marshal, or federally commissioned law enforcement officer or their deputies or agents and the perpetrator knows or has reason to know of the victim's status, the punishment shall be as follows:

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

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

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

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

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