

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 453

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO JUDGMENT; AMENDING CHAPTER 25, TITLE 19, IDAHO CODE, BY THE ADDI-
2 TION OF A NEW SECTION 19-2520A, IDAHO CODE, TO PROVIDE FOR THE EXTENSION
3 OF A SENTENCE FOR CERTAIN FELONY VIOLATIONS AGAINST OLDER PERSONS.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Chapter 25, Title 19, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
8 ignated as Section 19-2520A, Idaho Code, and to read as follows:

9 19-2520A. EXTENSION OF SENTENCE FOR VIOLATIONS AGAINST OLDER PER-
10 SONS. (1) Any person who is found guilty of or pleads guilty to a felony
11 violation of section 18-905 (aggravated assault), 18-907 (aggravated bat-
12 tery), 18-910 (assault with intent to commit a serious felony), 18-911 (bat-
13 tery with the intent to commit a serious felony), 18-2407(1) (grand theft),
14 18-3002 (receiving money or property under false personation), chapter
15 31, title 18 (false pretenses, cheats and misrepresentations), 18-3601
16 (forgery), 18-4003 (murder), 18-4006(1) (voluntary manslaughter), 18-4502
17 (first degree kidnapping), 18-4503 (second degree kidnaping), 18-6101
18 (rape), 18-6108 (male rape) or 18-6501 (robbery), Idaho Code, or any attempt
19 or conspiracy to commit any such felony crime, upon or against any person
20 who is sixty-five (65) years of age or older at the time of such violation,
21 shall be sentenced to an extended term of imprisonment. The extended term
22 of imprisonment shall be computed by increasing the sentence imposed for a
23 conviction under any such section by a period of not more than ten (10) years.

24 (2) Any person who is found guilty of or who pleads guilty to two (2) or
25 more substantive felony crimes provided in subsection (1) of this section,
26 which arose out of the same indivisible course of conduct, may only be sub-
27 ject to one (1) enhanced penalty.

28 (3) The extended term of imprisonment provided in this section shall
29 not be imposed unless the fact that the felony crime was committed against a
30 person sixty-five (65) years of age or older at the time of such violation is
31 separately charged in the information or indictment and admitted by the ac-
32 cused or found to be true by the trier of fact at the trial of the substantive
33 crime.