

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 458

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO CHILDREN; AMENDING SECTION 18-1501, IDAHO CODE, TO PROVIDE THAT
2 AN EXEMPTION FOR TREATMENT BY PRAYER SHALL NOT APPLY WHEN A CHILD'S MED-
3 ICAL CONDITION HAS CAUSED DEATH OR DISABILITY.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 18-1501, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 18-1501. INJURY TO CHILDREN. (1) Any person who, under circumstances
9 or conditions likely to produce great bodily harm or death, willfully causes
10 or permits any child to suffer, or inflicts thereon unjustifiable physical
11 pain or mental suffering, or having the care or custody of any child, will-
12 fully causes or permits the person or health of such child to be injured, or
13 willfully causes or permits such child to be placed in such situation that
14 its person or health is endangered, is punishable by imprisonment in the
15 county jail not exceeding one (1) year, or in the state prison for not less
16 than one (1) year nor more than ten (10) years.

17 (2) Any person who, under circumstances or conditions other than those
18 likely to produce great bodily harm or death, willfully causes or permits any
19 child to suffer, or inflicts thereon unjustifiable physical pain or mental
20 suffering, or having the care or custody of any child, willfully causes or
21 permits the person or health of such child to be injured, or willfully causes
22 or permits such child to be placed in such situation that its person or health
23 may be endangered, is guilty of a misdemeanor.

24 (3) A person over the age of eighteen (18) years commits the crime of
25 injury to a child if the person transports a minor in a motor vehicle or ves-
26 sel as defined in section 67-7003, Idaho Code, while under the influence of
27 alcohol, intoxicating liquor, a controlled substance, or any combination
28 thereof, in violation of section 18-8004 or 67-7034, Idaho Code. Any per-
29 son convicted of violating this subsection is guilty of a misdemeanor. If
30 a child suffers bodily injury or death due to a violation of this subsec-
31 tion, the violation will constitute a felony punishable by imprisonment for
32 not more than ten (10) years, unless a more severe penalty is otherwise pre-
33 scribed by law.

34 (4) The practice of a parent or guardian who chooses for his child
35 treatment by prayer or spiritual means alone shall not for that reason alone
36 be construed to have violated the duty of care to such child. However, this
37 exemption shall not apply whenever a child's medical condition has caused
38 death or permanent disability.

39 (5) As used in this section, "willfully" means acting or failing to act
40 where a reasonable person would know the act or failure to act is likely to
41 result in injury or harm or is likely to endanger the person, health, safety
42 or well-being of the child.