

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 140

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO NO CONTACT ORDERS; AMENDING SECTION 18-920, IDAHO CODE, TO RE-  
2 VISE A PROVISION RELATING TO THE ISSUANCE OF A NO CONTACT ORDER, TO PRO-  
3 VIDE THAT THE ORDER SHALL DEFINE PROHIBITED CONDUCT, TO PROVIDE THAT THE  
4 ORDER SHALL BE SERVED ON THE DEFENDANT PRIOR TO ENFORCEMENT AND TO RE-  
5 VISE PROVISIONS RELATING TO WHEN A VIOLATION OF A NO CONTACT ORDER IS  
6 COMMITTED.  
7

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

9 SECTION 1. That Section 18-920, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 18-920. VIOLATION OF NO CONTACT ORDER. (1) When a person is charged  
12 with or convicted of an offense under section 18-901, 18-903, 18-905,  
13 18-907, 18-909, 18-911, 18-913, 18-915, 18-918, 18-919, 18-6710, 18-6711,  
14 18-7905, 18-7906 or 39-6312, Idaho Code, or any other offense for which a  
15 court finds that a no contact order is appropriate, the court may issue an or-  
16 der forbidding contact with another person may be issued the defendant from  
17 engaging in prohibited conduct defined by the order. The order shall define  
18 prohibited conduct and shall be served on the defendant prior to enforce-  
19 ment. A no contact order may be imposed by the court or by Idaho criminal  
20 rule.

21 (2) A violation of a no contact order is committed when:

22 (a) A person has been charged or convicted under any offense defined  
23 in subsection (1) of this section or under any other offense for which a  
24 court finds that a no contact order is appropriate; and

25 (b) A no contact order has been issued, ~~either by a court or by an Idaho~~  
26 ~~criminal rule;~~ and

27 (c) The person charged or convicted has ~~had contact with the stated per-~~  
28 ~~son~~ knowingly engaged in conduct that is in violation of an the order.

29 (3) A violation of a no contact order is punishable by a fine not exceed-  
30 ing one thousand dollars (\$1,000) or by imprisonment in the county jail not  
31 to exceed one (1) year, or both. Any person who pleads guilty to or is found  
32 guilty of a violation of this section who previously has pled guilty to or  
33 been found guilty of two (2) violations of this section, or of any substan-  
34 tially conforming foreign criminal violation or any combination thereof,  
35 notwithstanding the form of the judgment or withheld judgment, within five  
36 (5) years of the first conviction, shall be guilty of a felony and shall be  
37 punished by imprisonment in the state prison for a term not to exceed five  
38 (5) years or by a fine not to exceed five thousand dollars (\$5,000), or by  
39 both fine and imprisonment. No bond shall be set for this violation until the  
40 person charged is brought before the court which will set bond. Further, any  
41 such violation may result in the increase, revocation or modification of the  
42 bond set in the underlying charge for which the no contact order was imposed.

1           (4) A peace officer may arrest without a warrant and take into custody a  
2 person whom the peace officer has probable cause to believe has violated a no  
3 contact order issued under this section if the person restrained had notice  
4 of the order.

5           (5) For purposes of this section, a substantially conforming foreign  
6 criminal violation exists when a person has pled guilty to or been found  
7 guilty of a violation of any federal law or law of another state, or any valid  
8 county, city or town ordinance of another state, substantially conforming  
9 with the provisions of this section. The determination of whether a foreign  
10 criminal violation is substantially conforming is a question of law to be  
11 determined by the court.