

STATEMENT OF PURPOSE

RS25691

The bill amends the Idaho criminal code relating to battery to add a new section pertaining to sexual battery (I.C. 18-924) to differentiate between unlawful touching, in general (which would be charged under the current I.C. 18-903 as battery), and unlawful touching of private areas for the purpose of degrading, humiliating, or demeaning the victim or for the defendant's sexual gratification (which could be charged as sexual battery under the proposed statute). Under the proposed statute, sexual battery remains a misdemeanor, with the possibility of increased jail time.

The bill also provides another new section (I.C. 18-925), aggravated sexual battery. Aggravated sexual battery is sexual battery, as defined in the proposed section 18-924, committed under circumstances constituting aggravated battery, as defined in I.C. 18-907. Aggravated sexual battery would be a felony.

Finally, the bill revises the Sexual Offender Registration Notification and Community Right-to-Know Act (I.C. 18-8304) to include aggravated sexual battery as a registerable offense.

FISCAL NOTE

It is possible that conduct previously charged as a simple battery could be charged as sexual battery (I.C. 18-924). This could create a fiscal impact on county jail systems due to an increase in an offender's possible jail sentence by increasing the maximum sentence from six months for simple battery to one year for sexual battery. It is unknown how many offenders will be sentenced in this manner, so the extent of this impact is not known at this time.

Regarding proposed section 18-925, it is possible that conduct previously charged as aggravated battery could be charged as aggravated sexual battery. This could create a fiscal impact on the state correctional system due to an increase in an offender's possible prison sentence by increasing the maximum sentence from 15 years for aggravated battery to 20 years for aggravated sexual battery. It is unknown how many offenders will be sentenced in this manner, so the extent of this impact is not known at this time.

Finally, there could be some fiscal impact due to administrative costs related to new persons required to register as sex offenders if convicted of aggravated sexual battery (I.C. 18-8304). These costs would be borne by the Idaho State Police and should be minimal.

Contact:

Paul Panther, Deputy Attorney General
Department of Juvenile Corrections
(208) 334-2027

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).