

IN THE SENATE

SENATE BILL NO. 1003, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO HUMAN TRAFFICKING; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8606, IDAHO CODE, TO PROVIDE FOR DIVERSION FOR A MINOR VICTIM OF HUMAN TRAFFICKING, TO PROVIDE CERTAIN CONDITIONS FOR DIVERSION, AND TO PROVIDE AN AFFIRMATIVE DEFENSE.

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

SECTION 1. That Chapter 86, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-8606, Idaho Code, and to read as follows:

18-8606. SAFE HARBOR PROVISIONS. (1) Diversion of minor victim.

(a) When a minor is alleged to have committed any offense not listed in section 18-310(2), Idaho Code, a prosecutor shall divert the offense if the minor committed the offense as a direct and immediate result of being a victim of human trafficking.

(b) If a minor has an offense diverted pursuant to paragraph (a) of this subsection, the minor shall be placed in a state-licensed residential facility, as defined in section 39-1202, Idaho Code, that provides a comprehensive rehabilitative program with access to:

- (i) Comprehensive case management;
- (ii) Integrated mental health and chemical dependency services, including specialized trauma recovery services;
- (iii) Education and employment training services; and
- (iv) Off-site specialized services, as appropriate.

(c) A diversion agreement under this subsection may extend for up to twelve (12) months.

(d) Diversion shall only be available pursuant to this section if the minor expresses a willingness to cooperate and receive specialized services. If the minor is unwilling to cooperate with specialized services, continuation of the diversion shall be at the discretion of the court.

(2) A person charged with any offense not identified in section 18-310(2), Idaho Code, committed as a direct and immediate result of being a victim of human trafficking may assert an affirmative defense that the person is a victim of human trafficking.