

IN THE SENATE

SENATE BILL NO. 1336

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO ASSAULT OR BATTERY UPON CERTAIN PERSONNEL; AMENDING SECTION
2 18-915, IDAHO CODE, TO PROVIDE FOR THE CRIME OF ASSAULT OR BATTERY UPON
3 MEMBERS OR EMPLOYEES OF THE COMMISSION OF PARDONS AND PAROLE AND TO MAKE
4 TECHNICAL CORRECTIONS.
5

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

7 SECTION 1. That Section 18-915, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 18-915. ASSAULT OR BATTERY UPON CERTAIN PERSONNEL -- PUNISHMENT. (1)
10 Any person who commits a crime provided for in this chapter against or upon
11 a justice, judge, magistrate, prosecuting attorney, public defender, peace
12 officer, bailiff, marshal, sheriff, police officer, peace officer standards
13 and training employee involved in peace officer decertification activi-
14 ties, emergency services dispatcher, correctional officer, employee of the
15 department of correction, employee of a private prison contractor while
16 employed at a private correctional facility in the state of Idaho, members
17 or employees of the commission of pardons and parole, employees of the de-
18 partment of water resources authorized to enforce the provisions of chapter
19 38, title 42, Idaho Code, employees of the department of parks and recreation
20 authorized to enforce the provisions of chapter 42, title 67, Idaho Code,
21 jailer, parole officer, misdemeanor probation officer, officer of the Idaho
22 state police, fireman, social caseworkers or social work specialists of the
23 department of health and welfare, employee of a state secure confinement
24 facility for juveniles, employee of a juvenile detention facility, a teacher
25 at a detention facility or a juvenile probation officer, emergency medical
26 services personnel licensed under the provisions of chapter 10, title 56,
27 Idaho Code, a member, employee or agent of the state tax commission, United
28 States marshal, or federally commissioned law enforcement officer or their
29 deputies or agents, and the perpetrator knows or has reason to know of the
30 victim's status, the punishment shall be as follows:

31 (a) For committing battery with intent to commit a serious felony,
32 the punishment shall be imprisonment in the state prison not to exceed
33 twenty-five (25) years.

34 (b) For committing any other crime in this chapter, the punishment
35 shall be doubled that provided in the respective section, except as pro-
36 vided in subsections (2) and (3) of this section.

37 (2) For committing a violation of the provisions of section 18-901 or
38 18-903, Idaho Code, against the person of a former or present justice, judge
39 or magistrate, jailer or correctional officer or other staff of the depart-
40 ment of correction, or of a county jail, or of a private correctional facil-
41 ity, or of an employee of a state secure confinement facility for juveniles,
42 an employee of a juvenile detention facility, a teacher at a detention facil-

1 ity, misdemeanor probation officer ~~or~~, a juvenile probation officer, or mem-
2 ber or employee of the commission of pardons and parole:

3 (a) Because of the exercise of official duties or because of the vic-
4 tim's former or present official status; or

5 (b) While the victim is engaged in the performance of his duties and the
6 person committing the offense knows or reasonably should know that such
7 victim is a justice, judge or magistrate, jailer or correctional offi-
8 cer or other staff of the department of correction, or of a private cor-
9 rectional facility, an employee of a state secure confinement facility
10 for juveniles, an employee of a juvenile detention facility, a teacher
11 at a detention facility, misdemeanor probation officer or a juvenile
12 probation officer;

13 the offense shall be a felony punishable by imprisonment in a correctional
14 facility for a period of not more than five (5) years, and said sentence shall
15 be served consecutively to any sentence being currently served.

16 (3) For committing a violation of the provisions of section 18-903,
17 Idaho Code, except unlawful touching as described in section 18-903(b),
18 Idaho Code, against the person of a former or present peace officer, sheriff
19 or police officer:

20 (a) Because of the exercise of official duty or because of the victim's
21 former or present official status; or

22 (b) While the victim is engaged in the performance of his duties and the
23 person committing the offense knows or reasonably should know that such
24 victim is a peace officer, sheriff or police officer;

25 the offense shall be a felony punishable by imprisonment in a correctional
26 facility for a period of not more than five (5) years, and said sentence shall
27 be served consecutively to any sentence being currently served.