

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 540

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO LAW ENFORCEMENT; AMENDING SECTION 39-6316, IDAHO CODE, TO PRO-  
2 VIDE FOR LAW ENFORCEMENT TRAINING, POWERS, AND DUTIES REGARDING SEXUAL  
3 ASSAULT COMPLAINTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN  
4 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
5

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

7 SECTION 1. That Section 39-6316, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 39-6316. LAW ENFORCEMENT OFFICERS -- TRAINING, POWERS, DUTIES. (1)  
10 All training provided by the peace officers standards and training academy  
11 relating to the handling of domestic violence or sexual assault complaints  
12 by law enforcement officers shall stress enforcement of criminal laws in  
13 domestic situations and sexual assault situations, availability of commu-  
14 nity resources, and protection of the victim. Law enforcement agencies and  
15 community organizations with expertise in the issue of domestic violence and  
16 sexual assault shall cooperate in all aspects of such training.

17 (2) When a peace officer responds to a domestic violence or sexual as-  
18 sault call, the officer shall give a written statement to the victims which  
19 that alerts the victim to the availability of a shelter or other resources  
20 in the community, ~~and give the victim~~ a written notice provided by the Idaho  
21 state police substantially stating the following:

22 IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT,  
23 you can ask the city or county prosecuting attorney to file a crimi-  
24 nal complaint. You also have the right to file a petition in magis-  
25 trate court requesting an order for protection from domestic abuse  
26 which could include any of the following: (a) an order restrain-  
27 ing your abuser from further acts of abuse; (b) an order directing  
28 your abuser to leave your household; (c) an order preventing your  
29 abuser from entering your residence, school, business, or place of  
30 employment; (d) an order awarding you or the other parent custody  
31 of or visitation with your minor child or children; and (e) an or-  
32 der restraining your abuser from molesting or interfering with mi-  
33 nor children in your custody. The forms you need to obtain a pro-  
34 tection order are available from the clerk of the district court.  
35 The resources available in this community for information relating  
36 to domestic violence or sexual assault, treatment of injuries and  
37 places of safety and shelters are: (For safety reasons, inclusion  
38 of shelter/safe house addresses is not necessary). You also have  
39 the right to sue for losses suffered as a result of the abuse, in-  
40 cluding medical and moving expenses, loss of earnings or support,  
41 and other out-of-pocket expenses for injuries sustained and dam-  
42 age to your property. This can be done without an attorney in small

1           claims court if the total amount claimed is less than five thousand  
2           dollars (\$5,000).

3           (3) The peace officer shall make every effort to arrange, offer, or fa-  
4           cilitate transportation for the victim to a hospital for treatment of in-  
5           juries or to a place of safety or shelter.

6           (4) The law enforcement agency shall forward the offense report to the  
7           appropriate prosecutor within ten (10) days of making such report if there is  
8           probable cause to believe that an offense has been committed, unless the case  
9           is under active investigation.

10          SECTION 2. An emergency existing therefor, which emergency is hereby  
11          declared to exist, this act shall be in full force and effect on and after  
12          July 1, 2022.