

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 625

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO DISTRIBUTION OF UNSOLICITED SEXUAL MATERIAL; AMENDING CHAPTER
2 41, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4117, IDAHO
3 CODE, TO PROVIDE FOR THE CRIME OF DISTRIBUTION OF UNSOLICITED SEXUAL
4 MATERIAL, TO PROVIDE A PENALTY, AND TO DEFINE A TERM; AND DECLARING AN
5 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
6

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

8 SECTION 1. That Chapter 41, Title 18, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 18-4117, Idaho Code, and to read as follows:

11 18-4117. DISTRIBUTION OF UNSOLICITED SEXUAL MATERIAL -- PENALTY (1)
12 Every person over eighteen (18) years of age who, without the consent of the
13 recipient who is also over eighteen (18) years of age, distributes to the re-
14 cipient any unsolicited sexual material with the intent to annoy, terrify,
15 threaten, intimidate, harass, or offend or to arouse, appeal to, or grat-
16 ify the lust, passions, or sexual desires of the sender, recipient, or third
17 party is guilty of a misdemeanor punishable by a fine of not more than one
18 thousand dollars (\$1,000) or by imprisonment in the county jail for not more
19 than one (1) year, or by both such fine and imprisonment.

20 (2) For the purposes of this section, "unsolicited sexual material"
21 means any picture, photograph, drawing, sculpture, motion picture film, or
22 similar visual representation or image of a person or portion of the human
23 body that depicts nudity, sexual conduct, or sadomasochistic abuse.

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