

IN THE SENATE

SENATE BILL NO. 1322

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO SEXUAL OFFENDER REGISTRATION; AMENDING SECTION 18-8307, IDAHO
2 CODE, TO REVISE A PROVISION REGARDING REGISTRATION; AMENDING SECTION
3 18-8308, IDAHO CODE, TO REVISE PROVISIONS REGARDING ADDRESS VERIFICA-
4 TION AND REGISTRATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-
5 FECTIVE DATE.
6

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

8 SECTION 1. That Section 18-8307, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 18-8307. REGISTRATION. (1) Registration shall consist of a form pro-
11 vided by the department and approved by the attorney general, which shall be
12 signed by the offender and shall require the information set forth in subsec-
13 tion (1) of section 18-8305, Idaho Code.

14 (2) At the time of registration, the sheriff shall obtain a photograph
15 and fingerprints, in a manner approved by the department, and require the of-
16 fender to provide full palm print impressions of each hand. A violent sexual
17 predator shall pay a fee of fifty dollars (\$50.00) to the sheriff at the time
18 of the first calendar quarter registration and ten dollars (\$10.00) per reg-
19 istration every subsequent quarter in the same calendar year. All other of-
20 fenders shall pay an annual fee of eighty dollars (\$80.00) to the sheriff for
21 registration. The sheriff may waive the registration fee if the violent sex-
22 ual predator or other offender demonstrates indigency. The fees collected
23 under this section shall be used by the sheriff to defray the costs of violent
24 sexual predator and other sexual offender registration and verification and
25 for electronic notification, law enforcement information sharing and track-
26 ing. Irrespective of the classification or designation of the offender or
27 predator, each county shall cause forty dollars (\$40.00) per offender per
28 year of the fees collected under this section to be used for development,
29 continuous use and maintenance of a statewide electronic notification, in-
30 formation sharing and tracking system as implemented by the Idaho sheriffs'
31 association.

32 (3) The sheriff shall forward the completed and signed form, pho-
33 tograph, fingerprints and palm prints to the department within three (3)
34 working days of the registration.

35 (a) The official conducting the registration shall ensure that the no-
36 tification form is complete and that the offender has read and signed
37 the form.

38 (b) No person subject to registration shall furnish false or misleading
39 information when complying with registration and notification require-
40 ments of this chapter.

41 (4) (a) Within two (2) working days of coming into any county to es-
42 tablish residence, an offender shall register with the sheriff of the

1 county. The offender thereafter shall register annually, unless the
2 offender is designated as a violent sexual predator, in which case the
3 offender shall register with the sheriff every three (3) months as pro-
4 vided in this section. If the offender intends to reside in another
5 jurisdiction, the offender shall register in the other jurisdiction
6 within two (2) days of moving to that jurisdiction and will not be re-
7 moved from the sexual offender registry in Idaho until registration in
8 another jurisdiction is complete.

9 (b) A nonresident required to register pursuant to section
10 18-8304(1)(b), Idaho Code, shall register with the sheriff of the
11 county where employed or enrolled as a student within two (2) working
12 days of the commencement of employment or enrollment as a student in
13 an educational institution, provided that nonresidents employed in
14 counseling, coaching, teaching, supervising or working with minors in
15 any way, regardless of the period of employment, must register prior to
16 the commencement of such employment.

17 (5) Registration shall be conducted as follows:

18 (a) For violent sexual predators the department shall mail a nonfor-
19 wardable notice of quarterly registration to the offender's last re-
20 ported address within three (3) months following the last registration;

21 (b) For all other sex offenders the department shall mail an annual,
22 nonforwardable notice of registration to the offender's last reported
23 address;

24 (c) Within ~~five~~ seven (57) days of the mailing date of the notice, the
25 offender shall appear in person at the office of the sheriff in the
26 county in which the offender is required to register for the purpose of
27 completing the registration process;

28 (d) If the notice is returned to the department as not delivered, the
29 department shall inform the sheriff with whom the offender last regis-
30 tered of the returned notice.

31 (6) All written notifications of duty to register as provided herein
32 shall include a warning that it is a felony as provided in section 18-8327,
33 Idaho Code, for an offender to accept employment in any day care center,
34 group day care facility or family day care home, as those terms are defined in
35 chapter 11, title 39, Idaho Code, or to be upon or to remain on the premises
36 of a day care center, group day care facility or family day care home while
37 children are present, other than to drop off or pick up the offender's child
38 or children.

39 (7) An offender shall keep the registration current for the full regis-
40 tration period. The full registration period is for life; however, offend-
41 ers may petition for release from the full registration period as set forth
42 in section 18-8310, Idaho Code.

43 SECTION 2. That Section 18-8308, Idaho Code, be, and the same is hereby
44 amended to read as follows:

45 18-8308. VERIFICATION OF ADDRESS AND ELECTRONIC MONITORING OF VIOLENT
46 SEXUAL PREDATORS.

47 (1) (a) The address or physical residence of an offender designated as
48 a violent sexual predator shall be verified by the department between
49 registrations.

1 (ab) The procedure for verification shall be as follows:

2 (i) The department shall mail a nonforwardable notice of address
3 verification every thirty (30) days between registrations, to
4 each offender designated as a violent sexual predator.

5 (ii) Each offender designated as a violent sexual predator shall
6 complete, sign and return the notice of address verification form
7 to the department within ~~seven~~ fourteen (714) days of the mail-
8 ing date of the notice. If the notice of address verification is
9 returned to the department as not delivered, or if the signed no-
10 tice is not returned on time, the department shall, within five (5)
11 days, notify the sheriff with whom the offender designated as a vi-
12 olent sexual predator last registered.

13 (iii) The sheriff shall verify the address of the offender by vis-
14 iting the offender's residence once every six (6) months or, if
15 the offender fails to comply with the provisions of subparagraph
16 ~~(a)~~ (ii) of this subsection paragraph, at any reasonable time to
17 verify the address provided at registration.

18 (2) The address or physical residence of any sex offender not desig-
19 nated as a violent sexual predator shall be verified by the department be-
20 tween registrations. The procedure for verification shall be as follows:

21 (a) The department shall mail a nonforwardable notice of address veri-
22 fication every four (4) months between annual registrations.

23 (b) Each offender shall complete, sign and return the notice of address
24 verification form to the department within ~~seven~~ fourteen (714) days of
25 the mailing date of the notice. If the notice of address verification
26 is returned as not delivered or if the signed notice is not returned on
27 time, the department shall notify the sheriff within five (5) days and
28 the sheriff shall visit the residence of the registered offender at any
29 reasonable time to verify the address provided at registration.

30 (3) Any individual designated as a violent sexual predator shall be
31 monitored with electronic monitoring technology for the duration of the
32 individual's probation or parole period as set forth in section 20-219(2),
33 Idaho Code. Any person who, without authority, intentionally alters, tam-
34 pers with, damages or destroys any electronic monitoring equipment required
35 to be worn or used by a violent sexual predator shall be guilty of a felony.

36 (4) A sexual offender who does not provide a physical residence ad-
37 dress at the time of registration shall report, in person, once every ~~seven~~
38 fourteen (714) days to the sheriff of the county in which he resides. Each
39 time the offender reports to the sheriff, he shall complete a form provided
40 by the department that includes the offender's name, date of birth, social
41 security number and a detailed description of the location where he is resid-
42 ing. The sheriff shall visit the described location at least once each month
43 to verify the location of the offender.

44 SECTION 3. An emergency existing therefor, which emergency is hereby
45 declared to exist, this act shall be in full force and effect on and after
46 July 1, 2022.