

IN THE SENATE

SENATE BILL NO. 1324

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO MINORS; AMENDING SECTION 18-1506, IDAHO CODE, TO REMOVE A PROVI-
2 SION REGARDING SEXUAL ABUSE OF A CHILD UNDER THE AGE OF SIXTEEN YEARS AND
3 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-1508A, IDAHO CODE,
4 TO REMOVE A PROVISION REGARDING SEXUAL BATTERY OF A MINOR SIXTEEN OR
5 SEVENTEEN YEARS OF AGE AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING
6 AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
7

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

9 SECTION 1. That Section 18-1506, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 18-1506. SEXUAL ABUSE OF A CHILD UNDER THE AGE OF SIXTEEN YEARS. (1)
12 It is a felony for any person eighteen (18) years of age or older, with the
13 intent to gratify the lust, passions, or sexual desire of the actor, minor
14 child or third party, to:

15 (a) Solicit a minor child under the age of sixteen (16) years to partic-
16 ipate in a sexual act;

17 (b) Cause or have sexual contact with such minor child, not amounting to
18 lewd conduct as defined in section 18-1508, Idaho Code; or

19 ~~Make any photographic or electronic recording of such minor child;~~
20 ~~or~~

21 ~~(d) Induce, cause or permit a minor child to witness an act of sexual~~
22 ~~conduct.~~

23 (2) For the purposes of this section, "solicit" means any written, ver-
24 bal, or physical act which is intended to communicate to such minor child the
25 desire of the actor or third party to participate in a sexual act or partici-
26 pate in sexual foreplay, by the means of sexual contact, photographing or ob-
27 serving such minor child engaged in sexual contact.

28 (3) For the purposes of this section, "sexual contact" means any phys-
29 ical contact between such minor child and any person, which is caused by the
30 actor, or the actor causing such minor child to have self contact.

31 (4) For the purposes of this section, "sexual conduct" means human mas-
32 turbation, sexual intercourse, sadomasochistic abuse, or any touching of
33 the genitals or pubic areas of the human male or female, or the breasts of the
34 female, whether alone or between members of the same or opposite sex or be-
35 tween humans and animals in an act of apparent sexual stimulation or gratifi-
36 cation.

37 (5) Any person guilty of a violation of the provisions of this section
38 shall be imprisoned in the state prison for a period not to exceed twenty-
39 five (25) years.

40 SECTION 2. That Section 18-1508A, Idaho Code, be, and the same is hereby
41 amended to read as follows:

1 18-1508A. SEXUAL BATTERY OF A MINOR CHILD SIXTEEN OR SEVENTEEN YEARS
2 OF AGE -- PENALTY. (1) It is a felony for any person at least five (5) years
3 of age older than a minor child who is sixteen (16) or seventeen (17) years of
4 age, who, with the intent of arousing, appealing to or gratifying the lust,
5 passion, or sexual desires of such person, minor child, or third party, to:

6 (a) Commit any lewd or lascivious act or acts upon or with the body or
7 any part or any member thereof of such minor child including, but not
8 limited to, genital-genital contact, oral-genital contact, anal-gen-
9 ital contact, oral-anal contact, manual-anal contact or manual-gen-
10 ital contact, whether between persons of the same or opposite sex, or who
11 shall involve such minor child in any act of explicit sexual conduct as
12 defined in section 18-1507, Idaho Code; or

13 (b) Solicit such minor child to participate in a sexual act; or

14 (c) Cause or have sexual contact with such minor child, not amounting to
15 lewd conduct as defined in paragraph (a) of this subsection; ~~or~~

16 ~~(d) Make any photographic or electronic recording of such minor child.~~

17 (2) For the purpose of subsection (1) (b) of this section, "solicit"
18 means any written, verbal or physical act which is intended to communicate
19 to such minor child the desire of the actor or third party to participate in a
20 sexual act or participate in sexual foreplay, by the means of sexual contact,
21 photographing or observing such minor child engaged in sexual contact.

22 (3) For the purpose of this section, "sexual contact" means any phys-
23 ical contact between such minor child and any person or between such minor
24 children which is caused by the actor, or the actor causing such minor child
25 to have self contact.

26 (4) Any person guilty of a violation of the provisions of subsection
27 (1) (a) of this section shall be imprisoned in the state prison for a period
28 not to exceed life.

29 (5) Any person guilty of a violation of the provisions of subsections
30 (1) (b) ~~, (1) or~~ (c) ~~, or (1) (d)~~ of this section shall be imprisoned in the state
31 prison for a period not to exceed twenty-five (25) years.

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