

IN THE SENATE

SENATE BILL NO. 1328, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO RUNAWAY CHILDREN; AMENDING SECTION 18-1510, IDAHO CODE, TO PRO-
2 VIDE AN EXEMPTION FOR CERTAIN VIOLATIONS FOR LICENSED CHILDREN'S RES-
3 IDENTIAL CARE FACILITIES, REGISTERED CHILDREN'S INSTITUTIONS, AND BE-
4 HAVIORAL HEALTH YOUTH CRISIS CENTERS PROVIDING EMERGENCY RUNAWAY SER-
5 VICES AND TO DEFINE TERMS; AND DECLARING AN EMERGENCY AND PROVIDING AN
6 EFFECTIVE DATE.
7

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

9 SECTION 1. That Section 18-1510, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 18-1510. PROVIDING SHELTER TO RUNAWAY CHILDREN. (1) A person who
12 knowingly or intentionally provides housing or other accommodations to a
13 child seventeen (17) years of age or younger without the authority of: (a)
14 the custodial parent or guardian of the child; (b) the state of Idaho or a po-
15 litical subdivision thereof; or (c) the one having legal custody of the child
16 shall be guilty of a misdemeanor. Nothing contained in this section shall be
17 construed to prevent the lawful detention of a minor child or the rendering
18 of emergency aid or assistance to a minor child. It shall be an affirmative
19 defense to the provisions of this section that the person providing housing
20 or other accommodations to the child has notified the custodial parent or
21 guardian or the county sheriff or city police of the child's whereabouts. It
22 shall also be an affirmative defense to the provisions of this section that
23 the person providing housing or other accommodations to the child notices
24 reasonable evidence that the child has been abused by the custodial parent
25 or guardian.

26 (2) (a) Licensed children's residential care facilities, registered
27 children's institutions, and behavioral health youth crisis centers
28 providing emergency runaway services are not guilty of a violation of
29 this section if:

30 (i) The child is a runaway who consents to shelter, care, or li-
31 icensed service;

32 (ii) The facility attempts to contact and is unable to locate the
33 child's parent or legal guardian or the child refuses to disclose
34 the contact information of the child's parent or legal guardian;
35 and

36 (iii) The facility has notified the county sheriff or police of the
37 child's whereabouts pursuant to local laws and licensure require-
38 ments.

39 (b) Licensed children's residential care facilities, registered chil-
40 dren's institutions, and behavioral health youth crisis centers are
41 still required to comply with reporting requirements pursuant to sec-
42 tion 16-1605, Idaho Code.

1 (c) As used in this subsection:

2 (i) "Behavioral health youth crisis center" means a voluntary
3 outpatient facility operated twenty-four (24) hours a day, seven
4 (7) days a week, and three hundred sixty-five (365) days a year
5 to provide evaluation, intervention, and referral for youth sev-
6 enteen (17) years of age or younger who are experiencing a crisis
7 due to a behavioral health condition. The facility may not provide
8 services to a youth client for more than twenty-three (23) hours
9 and fifty-nine (59) minutes in a single episode of care.

10 (ii) "Licensed children's residential care facility" has the same
11 meaning as in section 39-1202, Idaho Code.

12 (iii) "Registered children's institution" has the same meaning as
13 in section 39-1202, Idaho Code.

14 ~~(2)~~ (3) A person convicted of a violation of the provisions of this sec-
15 tion shall be punished by imprisonment for a period not in excess of six (6)
16 months, a fine not in excess of five thousand dollars (\$5,000) or by both such
17 fine and imprisonment. Additionally, any real property utilized in viola-
18 tion of the provisions of this section may be declared a public nuisance pur-
19 suant to chapter 1, title 52, Idaho Code.

20 SECTION 2. An emergency existing therefor, which emergency is hereby
21 declared to exist, this act shall be in full force and effect on and after
22 July 1, 2024.