TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 25
ESCAPE OR RESCUE OF PRISONERS

18-2501. RESCUING PRISONERS. Every person who rescues, or attempts to rescue, or aids another person in rescuing or attempting to rescue, any prisoner from any prison, or from any officer or person having him in lawful custody, is punishable as follows:

(1) If such prisoner was in custody upon a conviction of felony punishable by death, by imprisonment in the state prison not less than one (1) nor more than fourteen (14) years.

(2) If such prisoner was in custody upon a conviction of any other felony, by imprisonment in the state prison not less than six (6) months nor more than five (5) years.

(3) If such prisoner was in custody upon a charge of felony, by a fine not exceeding one thousand dollars ($1,000) and imprisonment in the county jail not exceeding one (1) year.

(4) If such prisoner was in custody, otherwise than upon a charge or conviction of felony, by fine not exceeding one thousand dollars ($1,000) and imprisonment in the county jail not exceeding six (6) months.

[18-2501, added 1972, ch. 336, sec. 1, p. 896; am. 2006, ch. 71, sec. 7, p. 219.]

18-2502. OFFICERS ASSISTING IN ESCAPE. Any sheriff, deputy sheriff, peace officer, correctional officer or other employee of a correctional facility, as defined in section 18-101A, Idaho Code, including a private correctional facility, who fraudulently contrives, procures, aids, connives at, or voluntarily permits the escape of any prisoner in custody, is punishable by imprisonment in the state prison not exceeding ten (10) years, and fine not exceeding ten thousand dollars ($10,000). Every such officer or person who negligently suffers such escape is guilty of a misdemeanor.

[18-2502, added 1972, ch. 336, sec. 1, p. 896; am. 2000, ch. 272, sec. 5, p. 790.]

18-2504. PRIVATE PERSONS ASSISTING IN ESCAPE. Every person who wilfully assists any prisoner confined in any prison, or in the lawful custody of any officer or person, to escape, or in an attempt to escape, from such prison or custody, is guilty of a felony.

[18-2504, added 1972, ch. 336, sec. 1, p. 896.]

18-2505. ESCAPE BY ONE CHARGED WITH, CONVICTED OF, OR ON PROBATION FOR A FELONY -- ESCAPE BY A JUVENILE FROM CUSTODY. (1) Every prisoner charged with, convicted of, or on probation for a felony who is confined in any correctional facility, as defined in section 18-101A, Idaho Code, including any private correctional facility, or who while outside the walls of such correctional facility in the proper custody of any officer or person, or while in any factory, farm or other place without the walls of such correctional facility, who escapes or attempts to escape from such officer or person, or from such correctional facility, or from such factory, farm or other place

without the walls of such correctional facility, shall be guilty of a felony, and upon conviction thereof, any such second term of imprisonment shall commence at the time he would otherwise have been discharged. Escape shall be deemed to include abandonment of a job site or work assignment without the permission of an employment supervisor or officer. Escape includes the intentional act of leaving the area of restriction set forth in a court order admitting a person to bail or release on a person's own recognizance with electronic or global positioning system tracking or monitoring, or the area of restriction set forth in a sentencing order, except for leaving the area of restriction for the purpose of obtaining emergency medical care. A person may not be charged with the crime of escape for leaving the aforementioned area of restriction unless the person was notified in writing by the court at the time of setting of bail, release or sentencing of the consequences of violating this section by intentionally leaving the area of restriction.

(2) Any person who is charged with, found to have committed, adjudicated for or is on probation for an offense which would be a felony if committed by an adult, and who is confined in a juvenile detention facility or other secure or nonsecure facility for juveniles and who escapes or attempts to escape from the facility or from the lawful custody of any officer or person shall be subject to proceedings under chapter 5, title 20, Idaho Code, for an offense which would be a felony if committed by an adult. If the juvenile is or has been proceeded against as an adult, pursuant to section 20-508 or 20-509, Idaho Code, or was eighteen (18) years of age or older at the time of the escape or attempted escape, the person shall be guilty of a felony for a violation of this section and shall be subject to adult criminal proceedings.

[18-2505, as added by 1972, ch. 336, sec. 1, p. 896; am. 1990, ch. 313, sec. 1, p. 858; am. 1995, ch. 74, sec. 1, p. 195; am. 1997, ch. 77, sec. 1, p. 161; am. 1998, ch. 359, sec. 1, p. 1123; am. 2000, ch. 106, sec. 1, p. 235; am. 2000, ch. 151, sec. 1, p. 387; am. 2000, ch. 272, sec. 6, p. 790; am. 2004, ch. 50, sec. 1, p. 236; am. 2007, ch. 114, sec. 1, p. 329; am. 2010, ch. 28, sec. 1, p. 47; am. 2015, ch. 75, sec. 1, p. 197.]

18-2506. ESCAPE BY ONE CHARGED WITH OR CONVICTED OF A MISDEMEANOR -- ESCAPE BY A JUVENILE FROM CUSTODY.

(1) (a) Every prisoner charged with or convicted of a misdemeanor who is confined in any county jail or other place or who is engaged in any county work outside of such jail or other place, or who is in the lawful custody of any officer or person, who escapes or attempts to escape therefrom, is guilty of a misdemeanor. Escape includes the intentional act of leaving the area of restriction set forth in a court order admitting a person to bail or release on a person's own recognizance with electronic or global positioning system tracking or monitoring, or the area of restriction set forth in a sentencing order, except for leaving the area of restriction for the purpose of obtaining emergency medical care. A person may not be charged with the crime of escape for leaving the aforementioned area of restriction unless the person was notified in writing by the court at the time of setting of bail, release or sentencing of the consequences of violating this section by intentionally leaving the area of restriction.

(b) In cases involving escape or attempted escape by use of threat, intimidation, force, violence, injury to person or property other than that of the prisoner, or wherein the escape or attempted escape was per-

petrated by use or possession of any weapon, tool, instrument or other substance, the prisoner shall be guilty of a felony.

(2) Any person who is charged with, found to have committed, adjudicated for or is on probation for an offense which would be a misdemeanor if committed by an adult, and who is confined in a juvenile detention facility or other secure or nonsecure facility for juveniles and who escapes or attempts to escape from the facility or from the lawful custody of an officer or person, shall be subject to proceedings under the provisions of chapter 5, title 20, Idaho Code, for an act which would be a misdemeanor if committed by an adult, or, if the escape or attempted escape was undertaken as provided in subsection (1)(b) of this section, for an offense which would be a felony if committed by an adult. If the juvenile is or has been proceeded against as an adult, pursuant to section 20-508 or 20-509, Idaho Code, or was eighteen (18) years of age or older at the time of the escape or attempted escape, the person shall be guilty of a misdemeanor, or if subsection (1)(b) of this section applies, of a felony and, in either case, shall be subject to adult criminal proceedings.

[18-2506, as added by 1972, ch. 336, sec. 1, p. 897; am. 1995, ch. 74, sec. 2, p. 195; am. 1997, ch. 77, sec. 2, p. 162; am. 2000, ch. 106, sec. 2, p. 235; am. 2007, ch. 114, sec. 2, p. 330; am. 2010, ch. 28, sec. 2, p. 48; am. 2015, ch. 75, sec. 2, p. 197.]

18-2507. EXPENSE OF PROSECUTION -- HOW PAID. Whenever a person is prosecuted under any of the provisions of section 18-2505, Idaho Code, and whenever a prisoner in the custody of the board of correction housed in a state correctional facility, as defined in section 18-101A, Idaho Code, shall be prosecuted for any crime committed therein, the clerk of the district court shall make out a statement of all the costs incurred by the county for the prosecution of such case, and for the guarding and keeping of such prisoner, and when certified by the judge who tried the case, such statement shall be submitted to and reviewed by the board of examiners. If approved, the board of examiners shall submit the claim to the Idaho department of correction who shall pay the claim to the treasurer of the county where the trial was conducted. The provisions of this section shall apply to prosecution of a prisoner in the custody of the board of correction and housed in a private correctional facility unless otherwise provided for in any contract between the state of Idaho and the private prison contractor entered into pursuant to chapter 2, title 20, Idaho Code.

Costs of prosecution of all other prisoners housed in a private correctional facility shall be recoverable from the private prison contractor, as provided in section 20-809, Idaho Code.

[18-2507, added 1972, ch. 336, sec. 1, p. 897; am. 1984, ch. 79, sec. 1, p. 146; am. 1985, ch. 80, sec. 1, p. 155; am. 2000, ch. 272, sec. 7, p. 790; am. 2001, ch. 335, sec. 11, p. 1192; am. 2009, ch. 104, sec. 1, p. 320.]

18-2508. PERSONS COMMITTED TO PUBLIC INSTITUTIONS -- ENTICING TO ESCAPE OR HARBORING UNLAWFUL. (1) It shall be unlawful for any person to knowingly entice the escape of or harbor any person committed to or confined in any institution maintained by the state for the treatment, education or welfare of persons committed to or confined therein.

(2) Any person who violates the provisions of subsection (1) of this section shall be guilty of a misdemeanor and on conviction shall be punished by a fine not exceeding one thousand dollars ($1,000) or imprisonment in the county jail for a period not exceeding one (1) year, or both.

[18-2508, added 1972, ch. 336, sec. 1, p. 897; am. 2019, ch. 146, sec. 1, p. 497.]

18-2510. POSSESSION, INTRODUCTION OR REMOVAL OF CERTAIN ARTICLES INTO OR FROM CORRECTIONAL FACILITIES. (1) No person including a prisoner, except as authorized by law or with permission of the facility head, shall knowingly:

(a) Introduce, or attempt to introduce, contraband into a correctional facility or the grounds of a correctional facility; or

(b) Convey, or attempt to convey, contraband to a prisoner confined in a correctional facility; or

(c) Possess, or attempt to possess, contraband within a correctional facility; or

(d) Receive, obtain or remove, or attempt to receive, obtain or remove, contraband from a correctional facility.

(2) Any person including a prisoner who violates any provision of subsection (1) of this section shall be guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in the county jail for a period not exceeding one (1) year or by a fine not exceeding one thousand dollars ($1,000), or by both such imprisonment and fine.

(3) No person including a prisoner, except as authorized by law or with permission of the facility head, shall knowingly:

(a) Introduce, or attempt to introduce, major contraband into a correctional facility or the grounds of a correctional facility; or

(b) Convey, or attempt to convey, major contraband to a prisoner confined in a correctional facility; or

(c) Possess, or attempt to possess, major contraband within a correctional facility; or

(d) Receive, obtain or remove, or attempt to receive, obtain or remove, major contraband from a correctional facility.

(4) Any person including a prisoner who violates any provision of subsection (3) of this section shall be guilty of a felony and on conviction shall be punished by imprisonment in the state prison for a period not exceeding five (5) years or by a fine not exceeding ten thousand dollars ($10,000), or by both such imprisonment and fine.

(5) As used in this section:

(a) "Contraband" means any article or thing that a prisoner confined in a correctional facility is prohibited by statute, rule or policy from obtaining or possessing and the use of which could endanger the safety or security of the correctional facility, any person therein or the public.

(b) "Correctional facility" means a correctional facility as defined in section 18-101A, Idaho Code.

(c) "Major contraband" means:

(i) Any controlled substance as defined in section 37-2701(e), Idaho Code;

(ii) Any tobacco product in excess of three (3) ounces;

(iii) Any firearm or dangerous weapon including explosives or combustibles or any plans or materials that may be used in the making or manufacturing of such weapons, explosives or devices;

(iv) Any telecommunication equipment or component hardware including, but not limited to, any device carried, worn or stored that is designed or intended to receive or transmit verbal or written messages, access or store data or connect electronically to the internet or any other electronic device that allows communications in any form. Such devices include, but are not limited to, cellular telephones, portable two-way pagers, hand-held radios, global position satellite system equipment, subscriber identity module (SIM) cards, portable memory chips, batteries, chargers, blackberry-type devices or smart phones, personal digital assistants or PDA's and laptop computers. The term also includes any new technology that is developed for similar purposes. Excluded from this definition is any device having communication capabilities that has been approved by the facility head for investigative or institutional security purposes or for conducting other official business;

(v) Any object or instrument intended or reasonably likely to be used in the planning or aiding in an escape or attempted escape from a correctional facility.

(d) "Prisoner" means a prisoner or a juvenile offender as those terms are defined in section 18-101A, Idaho Code.

[18-2510, added 2012, ch. 82, sec. 2, p. 234.]