TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 84
JUVENILE SEX OFFENDER REGISTRATION NOTIFICATION AND COMMUNITY RIGHT-TO-KNOW ACT

18-8401. SHORT TITLE. This chapter shall be known and may be cited as the "Juvenile Sex Offender Registration Notification and Community Right-to-Know Act."

[18-8401, added 1998, ch. 412, sec. 1, p. 1299.]

18-8402. FINDINGS. The legislature finds that juvenile sex offenders present a significant risk of reoffense and that efforts of law enforcement agencies to protect communities, conduct investigations and quickly apprehend offenders who commit sex offenses are impaired by the lack of information available about individuals who have been convicted or adjudicated delinquent of sex offenses who live within their jurisdiction. The legislature further finds that providing public access to certain information about sex offenders assists parents in the protection of their children. Further, such access provides a means for organizations that work with youth or other vulnerable populations to prevent juvenile sex offenders from threatening those served by the organizations. Finally, public access assists the public to be observant of convicted juvenile sex offenders in order to prevent the offenders from recommitting sex crimes. Therefore, this state's policy is to assist efforts of local law enforcement agencies to protect communities by requiring juvenile sex offenders to register with local law enforcement agencies and to make certain information about juvenile sex offenders available to the public as provided in this chapter.

[18-8402, added 1998, ch. 412, sec. 1, p. 1299.]

18-8403. DEFINITIONS. As used in this chapter, "juvenile sex offender" means a person who was between fourteen (14) years of age to eighteen (18) years of age at the time the qualifying sex offense was committed and who:

(1) On or after July 1, 1998, was adjudicated delinquent under the juvenile corrections act for an action that would be an offense enumerated in section 18-8304, Idaho Code, if committed by an adult; or

(2) As of July 1, 1998, is serving formal probation, a period of detention, or commitment to the department of juvenile corrections as the result of sentencing imposed under section 20-520, Idaho Code, for an action that would be an offense enumerated in section 18-8304, Idaho Code, if committed by an adult; or

(3) Was adjudicated delinquent in another state for an action that is substantially equivalent to the offenses enumerated in section 18-8304, Idaho Code, and is subject on or after July 1, 1998, to Idaho court jurisdiction under the interstate compact on juveniles; or

(4) Is required to register in another state for having committed a sex offense in that state regardless of the date of the offense or its adjudication.

[18-8403, added 1998, ch. 412, sec. 1, p. 1299.]

18-8404. JUVENILE SEX OFFENDER REGISTRY. The Idaho state police shall establish and maintain within the central sex offender registry a separate registry of juvenile sex offenders. The registry shall include fingerprints, photographs, and information collected from submitted forms and other communications relating to notice of duty to register, sex offender registration, and notice of address change. Information in the registry of juvenile sex offenders is subject to release to criminal justice agencies pursuant to section 18-8305, Idaho Code, and to the public pursuant to section 18-8323, Idaho Code.

[18-8404, added 1998, ch. 412, sec. 1, p. 1300; am. 2000, ch. 469, sec. 32, p. 1491.]

18-8405. NOTIFICATION OF DUTY TO REGISTER -- PROBATION. With respect to a juvenile sex offender sentenced to probation without a period of detention, the court shall provide at the time of sentencing written notification of the duty to register. The written notification shall be a form provided by the Idaho state police and shall be signed by the juvenile and the parents or guardian of the juvenile. One (1) copy shall be retained by the court, one (1) copy shall be provided to the offender, and one (1) copy shall be submitted within three (3) working days to the central registry.

[18-8405, added 1998, ch. 412, sec. 1, p. 1300; am. 2000, ch. 469, sec. 33, p. 1491.]

18-8406. NOTIFICATION OF DUTY TO REGISTER -- PRIOR TO RELEASE. With respect to a juvenile sex offender sentenced to a period of detention, the county shall provide, prior to release, written notification of the duty to register. With respect to a juvenile sex offender committed to the custody of the department of juvenile corrections, the department shall provide, prior to release, written notification of the duty to register. The written notification shall be a form provided by the Idaho state police and shall be signed by the juvenile and the parents or guardian of the juvenile. One (1) copy shall be retained by the department of juvenile corrections, one (1) copy shall be provided to the offender, and one (1) copy shall be submitted within three (3) working days to the central registry.

[18-8406, added 1998, ch. 412, sec. 1, p. 1300; am. 2000, ch. 469, sec. 34, p. 1491.]

18-8407. ANNUAL REGISTRATION. A juvenile sex offender, other than one serving a period of detention or committed to the department of juvenile corrections, shall be subject to annual registration and change of name or address notification pursuant to sections 18-8307 and 18-8309, Idaho Code.

All written notifications of duty to register as provided herein shall include a warning that it is a felony punishable as provided in section 18-8414, Idaho Code, for a juvenile sex offender to accept employment in any day care center, group day care facility or family day care home, as those terms are defined in chapter 11, title 39, Idaho Code, or to be upon or to remain on the premises of a day care center, group day care facility or family day care home while children are present, other than to drop off or pick up the juvenile sex offender's child or children.

[18-8407, added 1998, ch. 412, sec. 1, p. 1300; am. 2004, ch. 270, sec. 5, p. 756.]

18-8408. PROVIDING LIST TO SUPERINTENDENT OF PUBLIC INSTRUCTION. The Idaho state police shall provide to the superintendent of public instruction, quarterly and on request, a list of registered juvenile sex offenders in the state. The superintendent of public instruction subsequently shall notify a school district or private school regarding the enrollment of a registered juvenile sex offender. The superintendent shall also notify the district or school of the offender's probationary status or treatment status, if known.

[18-8408, added 1998, ch. 412, sec. 1, p. 1300; am. 2000, ch. 469, sec. 35, p. 1492.]

18-8409. FAILURE TO REGISTER, PENALTIES. (1) A juvenile sex offender who fails to register or provide notification of a change of name or address is guilty of a misdemeanor.

(2) A parent of a juvenile sex offender commits the misdemeanor offense of failure to supervise a child if the offender fails to register or provide notification of a change of name or address as required by this section. A person convicted of this offense is subject to a fine of not more than one thousand dollars ($1,000).

[18-8409, added 1998, ch. 412, sec. 1, p. 1301; am. 2012, ch. 257, sec. 4, p. 710.]

18-8410. TRANSFER TO ADULT REGISTRY. When a registered juvenile sex offender reaches twenty-one (21) years of age, the prosecutor may petition the court to transfer the offender to the adult registry, subject to the registration and notification provisions of chapter 83, title 18, Idaho Code. If the court determines at a hearing that the juvenile sex offender is likely to pose a threat to the safety of others, the court shall order that the delinquent act be deemed an adult criminal conviction for the purpose of registration, notification, and public information access pursuant to chapter 83, title 18, Idaho Code. If no petition is filed, or if the court determines the juvenile is not likely to pose a threat to the safety of others, the juvenile shall be deleted from the registry.

[18-8410, added 1998, ch. 412, sec. 1, p. 1301.]

18-8411. JUVENILES CONVICTED AS ADULTS. The provisions of this section do not apply to a juvenile who is subject to registration and notification requirements of chapter 83, title 18, Idaho Code, because the offender was convicted of a sex offense as an adult.

[18-8411, added 1998, ch. 412, sec. 1, p. 1301.]

18-8412. EXEMPTION FROM CIVIL LIABILITY. (1) No person or governmental entity, other than those specifically charged in this chapter with a duty to collect information under this chapter regarding registered sex offenders, has a duty to inquire, investigate or disclose any information regarding registered sex offenders.

(2) No person or governmental entity, other than those specifically charged in this chapter with an affirmative duty to provide public access to information regarding registered sex offenders, shall be held liable for any failure to disclose any information regarding registered sex offenders to any other person or entity.

(3) Every person or governmental entity who, acting without malice or criminal intent, obtains or disseminates information under this chapter shall be immune from civil liability for any damages claimed as a result of such disclosures made or received.

[18-8412, added 1998, ch. 412, sec. 1, p. 1301.]

18-8413. PENALTIES FOR VIGILANTISM OR OTHER MISUSE OF INFORMATION OBTAINED UNDER THIS CHAPTER. Any person who uses information obtained pursuant to this chapter to commit a crime or to cause physical harm to any person or damage to property shall be guilty of a misdemeanor and, in addition to any other punishment, shall be subject to imprisonment in the county jail for a period not to exceed one (1) year, or by a fine not to exceed one thousand dollars ($1,000) or both.

[18-8413, added 1998, ch. 412, sec. 1, p. 1301.]

18-8414. JUVENILE SEX OFFENDER -- PROHIBITED EMPLOYMENT. (1) Except as provided in section 18-8328, Idaho Code, it is a felony for any person to: apply for or to accept employment at a day care center, group day care facility or family day care home; or to be upon or to remain on the premises of a day care center, group day care facility or family day care home while children are present, other than to drop off or pick up the person's child or children if the person is currently registered or is required to register under the juvenile sex offender registration act as provided in chapter 84, title 18, Idaho Code.

(2) The owner or operator of any day care center, group day care facility or family day care home who knowingly employs a person or who knowingly accepts volunteer services from a person, which person is currently registered or is required to register under the juvenile sex offender registration act as provided in chapter 84, title 18, Idaho Code, to work in the day care center, group day care facility or family day care home is guilty of a misdemeanor unless judicial relief has been granted pursuant to section 18-8328, Idaho Code.

[18-8414, added 2004, ch. 270, sec. 2, p. 753.]