TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 9
ASSAULT AND BATTERY

18-901. ASSAULT DEFINED. An assault is:

(a) An unlawful attempt, coupled with apparent ability, to commit a violent injury on the person of another; or

(b) An intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent.

[18-901, added 1979, ch. 227, sec. 2, p. 624.]

18-902. ASSAULT -- PUNISHMENT. An assault is punishable by fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not to exceed three (3) months, or by both such fine and imprisonment.

[18-902, added 1979, ch. 227, sec. 2, p. 624; am. 1982, ch. 246, sec. 1, p. 633; am. 2005, ch. 359, sec. 2, p. 1134.]

18-903. BATTERY DEFINED. A battery is any:

(a) Willful and unlawful use of force or violence upon the person of another; or

(b) Actual, intentional and unlawful touching or striking of another person against the will of the other; or

(c) Unlawfully and intentionally causing bodily harm to an individual.

[18-903, added 1979, ch. 227, sec. 2, p. 624.]

18-904. BATTERY -- PUNISHMENT. Battery is punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not to exceed six (6) months, or both unless the victim is pregnant and this fact is known to the batterer, in which case the punishment is by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not to exceed one (1) year, or both.

[18-904, added 1979, ch. 227, sec. 2, p. 624; am. 1996, ch. 227, sec. 1, p. 741; am. 2005, ch. 359, sec. 3, p. 1134.]

18-905. AGGRAVATED ASSAULT DEFINED. An aggravated assault is an assault:

(a) With a deadly weapon or instrument without intent to kill; or

(b) By any means or force likely to produce great bodily harm.[; or]

(c) With any vitriol, corrosive acid, or a caustic chemical of any kind.

(d) "Deadly weapon or instrument" as used in this chapter is defined to include any firearm, though unloaded or so defective that it can not be fired.

[18-905, added 1979, ch. 227, sec. 2, p. 625.]

18-906. AGGRAVATED ASSAULT -- PUNISHMENT. An aggravated assault is punishable by imprisonment in the state prison not to exceed five (5) years or by fine not exceeding five thousand dollars ($5,000) or by both.

[18-906, added 1979, ch. 227, sec. 2, p. 625.]

18-907. AGGRAVATED BATTERY DEFINED. (1) A person commits aggravated battery who, in committing battery:

(a) Causes great bodily harm, permanent disability or permanent disfigurement; or

(b) Uses a deadly weapon or instrument; or

(c) Uses any vitriol, corrosive acid, or a caustic chemical of any nature; or

(d) Uses any poison or other noxious or destructive substance or liquid; or

(e) Upon the person of a pregnant female, causes great bodily harm, permanent disability or permanent disfigurement to an embryo or fetus.

(2) For purposes of this section the terms "embryo" or "fetus" shall mean any human in utero.

(3) There shall be no prosecution under subsection (1)(e) of this section:

(a) Of any person for conduct relating to an abortion for which the consent of the pregnant female, or person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law.

(b) Of any person for any medical treatment of the pregnant female or her embryo or fetus; or

(c) Of any female with respect to her embryo or fetus.

(4) Nothing in this chapter is intended to amend or nullify the provisions of chapter 6, title 18, Idaho Code.

[18-907, added 1979, ch. 227, sec. 2, p. 625; am. 2002, ch. 330, sec. 4, p. 936; am. 2002, ch. 337, sec. 2, p. 954.]

18-908. AGGRAVATED BATTERY -- PUNISHMENT. An aggravated battery is punishable by imprisonment in the state prison not to exceed fifteen (15) years.

[18-908, added 1979, ch. 227, sec. 2, p. 625.]

18-909. ASSAULT WITH INTENT TO COMMIT A SERIOUS FELONY DEFINED. An assault upon another with intent to commit murder, rape, the infamous crime against nature, mayhem, robbery, or lewd and lascivious conduct with a minor child is an assault with the intent to commit a serious felony.

[18-909, added 1979, ch. 227, sec. 2, p. 625.]

18-910. ASSAULT WITH THE INTENT TO COMMIT A SERIOUS FELONY -- PUNISHMENT. An assault with the intent to commit a serious felony is punishable by imprisonment in the state prison not to exceed fifteen (15) years.

[18-910, added 1979, ch. 227, sec. 2, p. 625; am. 2006, ch. 178, sec. 1, p. 545.]

18-911. BATTERY WITH THE INTENT TO COMMIT A SERIOUS FELONY DEFINED. Any battery committed with the intent to commit murder, rape, the infamous crime against nature, mayhem, robbery or lewd and lascivious conduct with a minor child is a battery with the intent to commit a serious felony.

[18-911, added 1979, ch. 227, sec. 2, p. 625; am. 1981, ch. 263, sec. 1, p. 559.]

18-912. BATTERY WITH THE INTENT TO COMMIT A SERIOUS FELONY -- PUNISHMENT. A battery with the intent to commit a serious felony is punishable by imprisonment in the state prison not to exceed twenty (20) years.

[18-912, added 1979, ch. 227, sec. 2, p. 625; am. 2006, ch. 178, sec. 2, p. 545.]

18-913. FELONIOUS ADMINISTERING OF DRUGS DEFINED. Any person who administers, aids in administering or orders the administering to another any chloroform, ether, laudanum or other narcotic, anaesthetic or intoxicating agent, with intent to enable or assist himself or any other person to commit a felony, is guilty of felonious administering of drugs.

[18-913, added 1979, ch. 227, sec. 2, p. 626.]

18-914. FELONIOUS ADMINISTERING OF DRUGS -- PUNISHMENT. A felonious administering of drugs is punishable by imprisonment in the state prison not to exceed five (5) years or five thousand ($5,000) dollars, or both.

[18-914, added 1979, ch. 227, sec. 2, p. 626.]

18-915. ASSAULT OR BATTERY UPON CERTAIN PERSONNEL -- PUNISHMENT. (1) Any person who commits a crime provided for in this chapter against or upon a justice, judge, magistrate, prosecuting attorney, public defender, peace officer, bailiff, marshal, sheriff, police officer, peace officer standards and training employee involved in peace officer decertification activities, emergency services dispatcher, correctional officer, employee of the department of correction, employee of a private prison contractor while employed at a private correctional facility in the state of Idaho, members or employees of the commission of pardons and parole, employees of the department of water resources authorized to enforce the provisions of chapter 38, title 42, Idaho Code, employees of the department of parks and recreation authorized to enforce the provisions of chapter 42, title 67, Idaho Code, jailer, parole officer, misdemeanor probation officer, officer of the Idaho state police, fireman, social caseworkers or social work specialists of the department of health and welfare, employee of a state secure confinement facility for juveniles, employee of a juvenile detention facility, a teacher at a detention facility or a juvenile probation officer, emergency medical services personnel licensed under the provisions of chapter 10, title 56, Idaho Code, a member, employee or agent of the state tax commission, United States marshal, or federally commissioned law enforcement officer or their deputies or agents, and the perpetrator knows or has reason to know of the victim's status, the punishment shall be as follows:

(a) For committing battery with intent to commit a serious felony, the punishment shall be imprisonment in the state prison not to exceed twenty-five (25) years.

(b) For committing any other crime in this chapter, the punishment shall be doubled that provided in the respective section, except as provided in subsections (2) and (3) of this section.

(2) For committing a violation of the provisions of section 18-901 or 18-903, Idaho Code, against the person of a former or present justice, judge or magistrate, jailer or correctional officer or other staff of the department of correction, or of a county jail, or of a private correctional facility, or of an employee of a state secure confinement facility for juveniles, an employee of a juvenile detention facility, a teacher at a detention facility, misdemeanor probation officer, a juvenile probation officer, or member or employee of the commission of pardons and parole:

(a) Because of the exercise of official duties or because of the victim's former or present official status; or

(b) While the victim is engaged in the performance of his duties and the person committing the offense knows or reasonably should know that such victim is a justice, judge or magistrate, jailer or correctional officer or other staff of the department of correction, or of a private correctional facility, an employee of a state secure confinement facility for juveniles, an employee of a juvenile detention facility, a teacher at a detention facility, misdemeanor probation officer or a juvenile probation officer;

the offense shall be a felony punishable by imprisonment in a correctional facility for a period of not more than five (5) years, and said sentence shall be served consecutively to any sentence being currently served.

(3) For committing a violation of the provisions of section 18-903, Idaho Code, except unlawful touching as described in section 18-903(b), Idaho Code, against the person of a former or present peace officer, sheriff or police officer:

(a) Because of the exercise of official duty or because of the victim's former or present official status; or

(b) While the victim is engaged in the performance of his duties and the person committing the offense knows or reasonably should know that such victim is a peace officer, sheriff or police officer;

the offense shall be a felony punishable by imprisonment in a correctional facility for a period of not more than five (5) years, and said sentence shall be served consecutively to any sentence being currently served.

[18-915, added 1979, ch. 227, sec. 2, p. 626; am. 1981, ch. 263, sec. 2, p. 559; am. 1992, ch. 221, sec. 1, p. 671; am. 1995, ch. 51, sec. 1, p. 118; am. 1999, ch. 247, sec. 1, p. 635; am. 2000, ch. 272, sec. 3, p. 788; am. 2000, ch. 297, sec. 3, p. 1028; am. 2000, ch. 469, sec. 21, p. 1472; am. 2001, ch. 181, sec. 1, p. 609; am. 2008, ch. 88, sec. 1, p. 242; am. 2008, ch. 151, sec. 1, p. 439; am. 2009, ch. 11, sec. 5, p. 15; am. 2011, ch. 9, sec. 1, p. 20; am. 2019, ch. 235, sec. 1, p. 720; am. 2020, ch. 276, sec. 1, p. 810.]

18-915A. REMOVING A FIREARM FROM A LAW ENFORCEMENT OFFICER. (1) A person may not knowingly remove or attempt to remove a firearm from the possession of another person if:

(a) The other person is lawfully acting within the course and scope of employment; and

(b) The person knows or has reason to know that the other person is employed as any of the following:

(i) A law enforcement officer who, in an official capacity, is authorized to make arrests; or

(ii) An employee of the Idaho board of correction, the Idaho department of juvenile corrections, any prison, jail, detention or booking facility or private correctional facility within the state, or the commission of pardons and parole.

(2) A person who violates this section is guilty of a felony.

(3) A sentence imposed for a violation of this section may be imposed separate from and consecutive to or concurrent with a sentence for any offense based on the act or acts establishing the offense under this section.

[18-915A, added 1998, ch. 395, sec. 1, p. 1239; am. 2000, ch. 272, sec. 4, p. 789.]

18-915B. PROPELLING BODILY FLUID OR WASTE AT CERTAIN PERSONS. Any person who is housed in a state, private or county correctional facility, work release center or labor camp, or who is being transported or supervised by a correctional officer or detention officer, irrespective of whether the person is a sentenced prisoner or a pretrial detainee, and who knowingly propels any bodily fluid or bodily waste at any detention officer, correctional officer, staff member, private contractor or employee of a county or state correctional facility, or authorized visitor to a county or state correctional facility, work release center or labor camp, or who knowingly introduces any bodily fluid or bodily waste into the food or drink of such officer, staff member, private contractor, employee or authorized visitor, shall be guilty of a felony punishable by imprisonment in a correctional facility for not more than five (5) years, and such sentence shall be served consecutively to any sentence currently served.

[18-915B, added 2001, ch. 33, sec. 1, p. 53.]

18-915C. BATTERY AGAINST HEALTH CARE WORKERS. Any person who commits battery as defined in section 18-903, Idaho Code, against or upon any person licensed, certified or registered by the state of Idaho to provide health care, or an employee of a hospital, medical clinic or medical practice, when the victim is in the course of performing his or her duties or because of the victim's professional or employment status under this statute, shall be subject to imprisonment in the state prison not to exceed three (3) years.

[18-915C, added 2014, ch. 288, sec. 1, p. 729.]

18-916. ABUSE OF SCHOOL TEACHERS. Every parent, guardian or other person who upbraids, insults or abuses any teacher of the public schools, in the presence and hearing of a pupil thereof, is guilty of a misdemeanor.

[18-916, added 1979, ch. 227, sec. 2, p. 626.]

18-917. HAZING. (1) No student or member of a fraternity, sorority or other living or social student group or organization organized or operating on or near a school or college or university campus, shall intentionally haze or conspire to haze any member, potential member or person pledged to be a member of the group or organization, as a condition or precondition of attaining membership in the group or organization or of attaining any office or status therein.

(2) As used in this section, "haze" means to subject a person to bodily danger or physical harm or a likelihood of bodily danger or physical harm, or to require, encourage, authorize or permit that the person be subjected to any of the following:

(a) Total or substantial nudity on the part of the person;

(b) Compelled ingestion of any substance by the person;

(c) Wearing or carrying of any obscene or physically burdensome article by the person;

(d) Physical assaults upon or offensive physical contact with the person;

(e) Participation by the person in boxing matches, excessive number of calisthenics, or other physical contests;

(f) Transportation and abandonment of the person;

(g) Confinement of the person to unreasonably small, unventilated, unsanitary or unlighted areas;

(h) Sleep deprivation; or

(i) Assignment of pranks to be performed by the person.

(3) The term "hazing," as defined in this section, does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any group or organization. The term "hazing" does not include corporal punishment administered by officials or employees of public schools when in accordance with policies adopted by local boards of education.

(4) A student or member of a fraternity, sorority or other student organization, who personally violates any provision of this section shall be guilty of a misdemeanor.

[18-917, added 1991, ch. 338, sec. 1, p. 875; am. 2002, ch. 268, sec. 1, p. 798.]

18-917A. STUDENT HARASSMENT -- INTIMIDATION -- BULLYING. (1) No student or minor present on school property or at school activities shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student.

(2) As used in this section, "harassment, intimidation or bullying" means any intentional gesture, or any intentional written, verbal or physical act or threat by a student that:

(a) A reasonable person under the circumstances should know will have the effect of:

(i) Harming a student; or

(ii) Damaging a student's property; or

(iii) Placing a student in reasonable fear of harm to his or her person; or

(iv) Placing a student in reasonable fear of damage to his or her property; or

(b) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

An act of harassment, intimidation or bullying may also be committed through the use of a landline, car phone or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network.

(3) A student who personally violates any provision of this section may be guilty of an infraction.

[18-917A, added 2006, ch. 313, sec. 3, p. 973; am. 2015, ch. 289, sec. 1, p. 1161.]

18-918. DOMESTIC VIOLENCE. (1) For the purpose of this section:

(a) "Household member" means a person who is a spouse, former spouse, or a person who has a child in common regardless of whether they have been married or a person with whom a person is cohabiting, whether or not they have married or have held themselves out to be husband or wife.

(b) "Traumatic injury" means a condition of the body, such as a wound or external or internal injury, whether of a minor or serious nature, caused by physical force.

(2) (a) Any household member who in committing a battery, as defined in section 18-903, Idaho Code, inflicts a traumatic injury upon any other household member is guilty of a felony.

(b) A conviction of felony domestic battery is punishable by imprisonment in the state prison for a term not to exceed ten (10) years or by a fine not to exceed ten thousand dollars ($10,000) or by both fine and imprisonment.

(3) (a) A household member who commits an assault, as defined in section 18-901, Idaho Code, against another household member which does not result in traumatic injury is guilty of a misdemeanor domestic assault.

(b) A household member who commits a battery, as defined in section 18-903, Idaho Code, against another household member which does not result in traumatic injury is guilty of a misdemeanor domestic battery.

(c) A first conviction under this subsection is punishable by a fine not exceeding one thousand dollars ($1,000) or by imprisonment in a county jail not to exceed six (6) months, or both. Any person who pleads guilty to or is found guilty of a violation of this subsection who previously has pled guilty to or been found guilty of a violation of this subsection, or of any substantially conforming foreign criminal violation, notwithstanding the form of the judgment or withheld judgment, within ten (10) years of the first conviction, shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a term not to exceed one (1) year or by a fine not exceeding two thousand dollars ($2,000) or by both fine and imprisonment. Any person who pleads guilty to or is found guilty of a violation of this subsection who previously has pled guilty to or been found guilty of two (2) violations of this subsection, or of any substantially conforming foreign criminal violation or any combination thereof, notwithstanding the form of the judgment or withheld judgment, within fifteen (15) years of the first conviction, shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term not to exceed five (5) years or by a fine not to exceed five thousand dollars ($5,000) or by both fine and imprisonment.

(4) The maximum penalties provided in this section shall be doubled where the act of domestic assault or battery for which the person is convicted or pleads guilty took place in the presence of a child. For purposes of this section, "in the presence of a child" means in the physical presence of a child or knowing that a child is present and may see or hear an act of domestic assault or battery. For purposes of this section, "child" means a person under sixteen (16) years of age.

(5) Notwithstanding any other provisions of this section, any person who previously has pled guilty to or been found guilty of a felony violation of the provisions of this section or of any substantially conforming foreign criminal felony violation, notwithstanding the form of the judgment or withheld judgment, and who, within fifteen (15) years, pleads guilty to or is found guilty of any further violation of this section shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term not to exceed ten (10) years or by a fine not to exceed ten thousand dollars ($10,000), or by both such fine and imprisonment.

(6) For the purposes of this section, a substantially conforming foreign criminal violation exists when a person has pled guilty to or been found guilty of a violation of any federal law or law of another state, or any valid county, city or town ordinance of another state, substantially conforming with the provisions of this section. The determination of whether a foreign criminal violation is substantially conforming is a question of law to be determined by the court.

(7) (a) Any person who pleads guilty to or is found guilty of a violation of this section or section 18-923, Idaho Code, shall undergo, at the person's own expense, an evaluation by a person, agency or organization approved by the court in accordance with paragraph (c) of this subsection to determine whether the defendant should be required to obtain counseling or other appropriate treatment. Such evaluation shall be completed prior to the sentencing date if the court's list of approved evaluators, in accordance with paragraph (c) of this subsection, contains evaluators who are able to perform the evaluation prior to the sentencing dates. If the evaluation recommends counseling or other treatment, the evaluation shall recommend the type of counseling or treatment considered appropriate for the defendant, together with the estimated costs thereof, and shall recommend any other suitable alternative counseling or treatment programs, together with the estimated costs thereof. The defendant shall request that a copy of the completed evaluation be forwarded to the court. The court shall take the evaluation into consideration in determining an appropriate sentence. If a copy of the completed evaluation has not been provided to the court, the court may proceed to sentence the defendant; however, in such event, it shall be presumed that counseling is required unless the defendant makes a showing by a preponderance of evidence that counseling is not required. If the defendant has not made a good faith effort to provide the completed copy of the evaluation to the court, the court may consider the failure of the defendant to provide the report as an aggravating circumstance in determining an appropriate sentence. If counseling or other treatment is ordered, in no event shall the person, agency or organization doing the evaluation be the person, agency or organization that provides the counseling or other treatment unless this requirement is waived by the sentencing court, with the exception of federally recognized Indian tribes or federal military installations, where diagnosis and treatment are appropriate and available. Nothing herein contained shall preclude the use of funds authorized for court-ordered counseling or treatment pursuant to this section for indigent defendants as provided by law. In the event that funding is provided for or on behalf of the defendant by a governmental entity, the defendant shall be ordered to make restitution to such governmental

entity in accordance with the restitution procedure for crime victims, as specified under chapter 53, title 19, Idaho Code.

(b) If the evaluation recommends counseling or other treatment, the court shall order the person to complete the counseling or other treatment in addition to any other sentence which may be imposed. If the court determines that counseling or treatment would be inappropriate or undesirable, the court shall enter findings articulating the reasons for such determination on the record. The court shall order the defendant to complete the preferred counseling or treatment program set forth in the evaluation, or a comparable alternative, unless it appears that the defendant cannot reasonably obtain adequate financial resources for such counseling or treatment. In that event, the court may order the defendant to complete a less costly alternative set forth in the evaluation or a comparable program. Nothing contained in this subsection shall be construed as requiring a court to order that counseling or treatment be provided at government expense unless otherwise required by law.

(c) The supreme court shall by rule establish a uniform system for the qualification and approval of persons, agencies or organizations to perform the evaluations required in this subsection. Only qualified evaluators approved by the court shall be authorized to perform such evaluations. Funds to establish a system for approval of evaluators shall be derived from moneys designated therefor and deposited in the district court fund as provided in section 31-3201A(16), Idaho Code.

(d) Counseling or treatment ordered pursuant to this section shall be conducted according to standards established or approved by the Idaho council on domestic violence and victim assistance.

[18-918, added 1993, ch. 344, sec. 1, p. 1283; am. 1995, ch. 223, sec. 1, p. 770; am. 1996, ch. 228, sec. 1, p. 742; am. 1998, ch. 309, sec. 1, p. 1026; am. 1998, ch. 420, sec. 1, p. 1324; am. 2000, ch. 358, sec. 1, p. 1193; am. 2003, ch. 237, sec. 1, p. 607; am. 2004, ch. 118, sec. 1, p. 393; am. 2005, ch. 158, sec. 1, p. 488; am. 2009, ch. 80, sec. 3, p. 226; am. 2018, ch. 123, sec. 1, p. 260.]

18-919. SEXUAL EXPLOITATION BY A MEDICAL CARE PROVIDER. (a) Any person acting or holding himself out as a physician, surgeon, dentist, psychotherapist, chiropractor, nurse or other medical care provider as defined in this section, who engages in an act of sexual contact with a patient or client, is guilty of sexual exploitation by a medical care provider. For the purposes of this section, consent of the patient or client receiving medical care or treatment shall not be a defense. This section does not apply to sexual contact between a medical care provider and the provider's spouse, or a person in a domestic relationship who is also a patient or client. Violation of this section is punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not to exceed one (1) year, or both.

(b) For the purposes of this section:

(1) "Intimate part" means the sexual organ, anus, or groin of any person, and the breast of a female.

(2) "Medical care provider" means a person who gains the trust and confidence of a patient or client for the examination and/or treatment of a medical or psychological condition, and thereby gains the ability to treat, examine and physically touch the patient or client.

(3) "Sexual contact" means the touching of an intimate part of a patient or client for the purpose of sexual arousal, gratification, or abuse, and/or the touching of an intimate part of a patient or client outside the scope of a medical examination or treatment.

(4) "Touching" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

[18-919, added 1996, ch. 300, sec. 1, p. 988.]

18-920. VIOLATION OF NO CONTACT ORDER. (1) When a person is charged with or convicted of an offense under section 18-901, 18-903, 18-905, 18-907, 18-909, 18-911, 18-913, 18-915, 18-918, 18-919, 18-6710, 18-6711, 18-7905, 18-7906 or 39-6312, Idaho Code, or any other offense for which a court finds that a no contact order is appropriate, an order forbidding contact with another person may be issued. A no contact order may be imposed by the court or by Idaho criminal rule.

(2) A violation of a no contact order is committed when:

(a) A person has been charged or convicted under any offense defined in subsection (1) of this section; and

(b) A no contact order has been issued, either by a court or by an Idaho criminal rule; and

(c) The person charged or convicted has had contact with the stated person in violation of an order.

(3) A violation of a no contact order is punishable by a fine not exceeding one thousand dollars ($1,000) or by imprisonment in the county jail not to exceed one (1) year, or both. Any person who pleads guilty to or is found guilty of a violation of this section who previously has pled guilty to or been found guilty of two (2) violations of this section, or of any substantially conforming foreign criminal violation or any combination thereof, notwithstanding the form of the judgment or withheld judgment, within five (5) years of the first conviction, shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term not to exceed five (5) years or by a fine not to exceed five thousand dollars ($5,000), or by both fine and imprisonment. No bond shall be set for this violation until the person charged is brought before the court which will set bond. Further, any such violation may result in the increase, revocation or modification of the bond set in the underlying charge for which the no contact order was imposed.

(4) A peace officer may arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated a no contact order issued under this section if the person restrained had notice of the order.

(5) For purposes of this section, a substantially conforming foreign criminal violation exists when a person has pled guilty to or been found guilty of a violation of any federal law or law of another state, or any valid county, city or town ordinance of another state, substantially conforming with the provisions of this section. The determination of whether a foreign criminal violation is substantially conforming is a question of law to be determined by the court.

[18-920, added 1997, ch. 314, sec. 1, p. 929; am. 1998, ch. 353, sec. 1, p. 1111; am. 2000, ch. 146, sec. 1, p. 375; am. 2000, ch. 239, sec. 1,

p. 670; am. 2004, ch. 337, sec. 1, p. 1007; am. 2008, ch. 259, sec. 1, p. 752.]

18-921. PEACE OFFICERS -- IMMUNITY. No peace officer may be held criminally or civilly liable for actions or omissions in the performance of the duties of his office under this chapter, if the peace officer acts in good faith and without malice.

[18-921, added 1997, ch. 314, sec. 2, p. 930.]

18-922. ORDER -- TRANSMITTAL TO LAW ENFORCEMENT AGENCY. (1) A no contact order may be imposed either by order of the court or by an Idaho criminal rule, as a condition of bond.

(2) (a) Notice of a no contact order shall be forwarded by the clerk of the court, or by the arresting agency where the defendant is given notice of the bond condition under an Idaho court rule, on or before the next judicial day, to the appropriate law enforcement agency.

(b) Upon receipt of such notice, the law enforcement agency shall forthwith enter the order into the Idaho law enforcement telecommunications system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the Idaho law enforcement telecommunications system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(3) Law enforcement agencies shall establish procedures reasonably adequate to assure that an officer approaching or actually at the scene of an incident may be informed of the existence of such no contact order.

(4) A no contact order shall remain in effect for the term set by the court or an Idaho criminal rule, or until terminated by the court.

[18-922, added 1997, ch. 314, sec. 3, p. 930.]

18-923. ATTEMPTED STRANGULATION. (1) Any person who willfully and unlawfully chokes or attempts to strangle a household member, or a person with whom he or she has or had a dating relationship, is guilty of a felony punishable by incarceration for up to fifteen (15) years in the state prison.

(2) No injuries are required to prove attempted strangulation.

(3) The prosecution is not required to show that the defendant intended to kill or injure the victim. The only intent required is the intent to choke or attempt to strangle.

(4) "Household member" assumes the same definition as set forth in section 18-918(1)(a), Idaho Code.

(5) "Dating relationship" assumes the same definition as set forth in section 39-6303(2), Idaho Code.

(6) Any person who pleads guilty to or is found guilty of a violation of this section shall undergo an evaluation, counseling and other treatment as provided in section 18-918(7), Idaho Code.

[18-923, added 2005, ch. 303, sec. 1, p. 950; am. 2018, ch. 123, sec. 2, p. 262.]

18-924. SEXUAL BATTERY. (1) Sexual battery is any willful physical contact, over or under the clothing, with the intimate parts of any person, when the physical contact is done without consent and with the intent to degrade,

humiliate or demean the person touched or with the intent of arousing, appealing to or gratifying the lust, passion or sexual desires of the actor or any other person. For purposes of this section, "intimate parts" means the genital area, groin, inner thighs, buttocks or breasts.

(2) Sexual battery is a misdemeanor and shall be punishable by up to one (1) year in jail, or a fine of up to two thousand dollars ($2,000), or both.

[18-924, added 2018, ch. 322, sec. 1, p. 751.]

18-925. AGGRAVATED SEXUAL BATTERY. (1) Aggravated sexual battery is sexual battery as defined in section 18-924, Idaho Code, when the forbidden contact occurs under the circumstances described in section 18-907, Idaho Code.

(2) Aggravated sexual battery is a felony and shall be punishable by imprisonment in the state prison for a period not to exceed twenty (20) years.

[18-925, added 2018, ch. 322, sec. 2, p. 751.]