

Summary of Idaho Statues Related to Sexual Assault

Title 18 Ch. 9: Assault and Battery

Attempted Strangulation: (1) Any person who willfully and unlawfully chokes or attempts to strangle a household member, or person with whom he or she has or had a dating relationship, is guilty of a felony ... (2) no injuries are required to prove attempted strangulation ...

Title 18, Ch. 15: Children and Vulnerable Adults:

“Vulnerable Adult” means a person eighteen (18) years of age or older who is unable to protect themselves from abuse, neglect or exploitation due to physical or mental impairment which affects the person’s judgment or behavior to the extent that he lacks sufficient understanding or capacity to make or communicate or implement decisions regarding his person, funds, property or resources”

It is a felony for any person, with the intent of arousing, appealing to or gratifying the lust, passion or sexual desires of such person, a vulnerable adult or third party to:

- (a) commit any lewd or lascivious act ...
- (c) cause or have sexual contact with a vulnerable adult (defined in the statute)

Sexual abuse of a child under the age of sixteen years. (1) it is a felony for any person eighteen (18) or older, with the intent to gratify the lust, passions, or sexual desire of the actor, minor child, or third party, to:

- (a) solicit ... to commit a sexual act
- (b) cause or have sexual contact with a minor child
- (c) make any photographic or electronic recording of such minor child
- (d) (cause) a minor child to witness an act of sexual conduct

“Erotic fondling” means touching a person’s clothed or unclothed genitals or pubic area, developing or undeveloped genitals or pubic area (if the person is a child), buttocks, breasts(if the person is a female) ...for the purpose of real or simulated overt sexual gratification or stimulation of one or more of the persons involved ...

Title 18: Ch. 61: Rape

Rape is defined as the penetration, however slight, of the oral, anal, or vaginal opening with a penis accomplished under one of the following circumstances:

- (1) Victim is under the age of 16 and the perpetrator is 18 years or older
- (2) Where the victim is 16 and the perpetrator is three years or more older than the victim
- (3) Where the victim is incapable (reasons listed) of giving legal consent
- (4) Where the victim resists but is overcome
- (5) Where the victim is prevented from resisting by
- (7) Where the victim is unconscious of the nature of the act ... meaning the victim is unable to resist due to:
 - (a) was unconscious or asleep

- (b) was not aware, knowing, perceiving, or cognizant that the act occurred
- (8) That the victim submits under the belief the perpetrator is their spouse and the perpetrator induced that belief
- (9) Where the victim submits under the belief that the perpetrator is someone other than the accused, and the perpetrator has induced that belief
- (10) Where the victim submits under the belief, instilled by the perpetrator, that if the victim does not submit the perpetrator will cause harm ...

Spousal rape must meet one of the circumstances above

Proof of Physical Ability: No conviction for rape can be had against one who was under the age of 14 years at the time of the (rape), unless his physical ability to accomplish penetration is proved as an independent fact, and beyond a reasonable doubt.

Title 18, Ch. 66: Sex Crimes:

- Adultery
- Incest
- Fornication
- Crime against nature – punishment
- Crime against nature – penetration
- Forcible penetration by use of foreign object
- Video voyeurism

Title 19: Ch. 4: Time of Commencing Criminal Actions:

NO STATUE OF LIMINATIONS FOR CERTAIN FELONIES: (includes rape)

Title 19: Ch. 53: Compensation for Victims of Crime: outlines the process for victims to have exam paid for, and possibly receive compensation

Title 19: Ch. 55: The Idaho DNA Database Act of 1996: discusses reporting DNA results found in a SAECK to the FBI's DNA database

Title 39: Ch. 13: Hospital Licenses and Inspection: mandatory reporting of any injury indicating the person may have been a victim of a crime **EXCEPT** if the adult patient is being seen for the purpose of an anonymous SAECK collection.

Title 39: Ch. 38: Consent to Treatment: a child aged 14 or older may give consent for treatment of communicable disease if the disease must be reported by law, or by regulation adopted pursuant to law, to be reported to the Public Health Officer

Title 67, Ch. 29: Testing and Retention of SAECKs: **unless an adult, anonymous kit**, all SAECKs will be tested by the Idaho State Crime Lab

Links to Full Text of Idaho Statutes Related to Sexual Assault

Title 18 Ch. 9: Assault and Battery

<https://legislature.idaho.gov/wp-content/uploads/statutesrules/idstat/Title18/T18CH9.pdf>

Title 18, Ch. 15: Children and Vulnerable Adults:

<https://law.justia.com/codes/idaho/2016/title-18/chapter-15/>

Title 18: Ch. 61: Rape

<https://legislature.idaho.gov/statutesrules/idstat/title18/t18ch61/>

Title 18, Ch. 66: Sex Crimes:

<https://legislature.idaho.gov/wp-content/uploads/statutesrules/idstat/Title18/T18CH66.pdf>

Title 19: Ch. 4: Time of Commencing Criminal Actions:

<https://legislature.idaho.gov/statutesrules/idstat/Title19/T19CH4/>

Title 19: Ch. 53: Compensation for Victims of Crime

<https://legislature.idaho.gov/statutesrules/idstat/Title19/T19CH53/>

Title 19: Ch. 55: The Idaho DNA Database Act of 1996

<https://legislature.idaho.gov/statutesrules/idstat/Title19/T19CH55/>

Title 39: Ch. 13: Hospital Licenses and Inspection

<https://legislature.idaho.gov/statutesrules/idstat/Title39/T39CH13/SECT39-1390/>

Title 39: Ch. 38: Consent to Treatment

<https://legislature.idaho.gov/statutesrules/idstat/Title39/T39CH38/>

Title 67, Ch. 29: Testing and Retention of SAECKs

<https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH29/SECT67-2919/>