

IN THE SENATE

SENATE BILL NO. 1034

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO ESCAPE OF PRISONERS; AMENDING SECTION 18-2505, IDAHO CODE, TO
PROVIDE FOR PERSONS WHO HAVE REACHED EIGHTEEN YEARS OF AGE AND ESCAPE
OR ATTEMPT TO ESCAPE FROM A JUVENILE FACILITY; AND AMENDING SECTION
18-2506, IDAHO CODE, TO PROVIDE FOR PERSONS WHO HAVE REACHED EIGHTEEN
YEARS OF AGE AND ESCAPE OR ATTEMPT TO ESCAPE FROM A JUVENILE FACILITY.

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

SECTION 1. That Section 18-2505, Idaho Code, be, and the same is hereby
amended to read as follows:

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 cor-
rectional facility, as defined in section 18-101A, Idaho Code, including any
private correctional facility, or who while outside the walls of such cor-
rectional 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 com-
mence 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 in-
tentional 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 vi-
olating this section by intentionally leaving the area of restriction.

(2) Any person who is charged with, found to have committed, adjudi-
cated for or is on probation for an offense which would be a felony if com-
mitted 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 per-
son 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 juve-
nile 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

1 a violation of this section and shall be subject to adult criminal proceed-
2 ings.

3 SECTION 2. That Section 18-2506, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 18-2506. ESCAPE BY ONE CHARGED WITH OR CONVICTED OF A MISDEMEANOR --
6 ESCAPE BY A JUVENILE FROM CUSTODY.

7 (1) (a) Every prisoner charged with or convicted of a misdemeanor who
8 is confined in any county jail or other place or who is engaged in any
9 county work outside of such jail or other place, or who is in the law-
10 ful custody of any officer or person, who escapes or attempts to escape
11 therefrom, is guilty of a misdemeanor. Escape includes the intentional
12 act of leaving the area of restriction set forth in a court order ad-
13 mitting a person to bail or release on a person's own recognizance with
14 electronic or global positioning system tracking or monitoring, or the
15 area of restriction set forth in a sentencing order, except for leaving
16 the area of restriction for the purpose of obtaining emergency medical
17 care. A person may not be charged with the crime of escape for leaving
18 the aforementioned area of restriction unless the person was notified
19 in writing by the court at the time of setting of bail, release or sen-
20 tencing of the consequences of violating this section by intentionally
21 leaving the area of restriction.

22 (b) In cases involving escape or attempted escape by use of threat, in-
23 timidation, force, violence, injury to person or property other than
24 that of the prisoner, or wherein the escape or attempted escape was per-
25 petrated by use or possession of any weapon, tool, instrument or other
26 substance, the prisoner shall be guilty of a felony.

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