

IDAHO SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

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NUMBER OF REGISTERED SEX OFFENDERS

2,299 as of March 26, 2003.

1. WHO IS REQUIRED TO REGISTER?

Any person who:

- (1) on or after July 1, 1993, is convicted of a sexual offense, or an attempt, solicitation, or conspiracy to commit a sexual offense;
- (2) enters Idaho on or after July 1, 1993, and who has been convicted of any sexual offense, attempt, solicitation, or conspiracy to commit a sexual offense in another state, territory, commonwealth, or other jurisdiction of the United States including tribal courts and military courts;
- (3) pleads guilty to or has been found guilty of a sexual offense prior to July 1, 1993, and the person, as a result of the offense, is incarcerated in a county jail facility or a penal facility or is under probation or parole supervision, on or after July 1, 1993; or
- (4) is a nonresident, regularly employed or working in Idaho, or is a student in Idaho and was convicted, found guilty, or pleaded guilty to a sexual offense and, as a result of such conviction, finding, or plea, is required to register in his or her state of residence

must register in Idaho.

(Idaho Code § 18-8304(1))

2. WHAT CONSTITUTES A “SEXUAL OFFENSE”?

The following crimes constitute “sexual offenses” in Idaho:

- (1) assault with an attempt to commit rape, an infamous crime against nature, or lewd and lascivious conduct with a minor;
- (2) battery with an attempt to commit rape, an infamous crime against nature, or lewd and lascivious conduct with a minor;
- (3) sexual abuse of a minor under 16;
- (4) ritualized abuse of a minor;
- (5) sexual exploitation of a minor;
- (6) possession of sexually exploitative material other than for a commercial purpose;
- (7) lewd conduct with a minor;
- (8) sexual battery of a minor 16 or 17 years of age;
- (9) murder committed in perpetration of rape;
- (10) indecent exposure, excluding misdemeanor convictions;
- (11) first-degree kidnapping committed for the purpose of rape, committing an infamous crime against nature, committing any lewd and lascivious act upon any minor under 16, or for purposes of sexual gratification or arousal;
- (12) second-degree kidnapping, if the victim is an unrelated minor;

- (13) rape;
- (14) incest;
- (15) crimes against nature; or
- (16) forcible sexual penetration by use of a foreign object.

(Idaho Code § 18-8304(1)(a))

3. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

Juvenile-sexual offenders are required to register. “Juvenile-sexual offender” means a person who was between the age of 14 and 18 at the time the sexual offense was committed and who:

- (1) on or after July 1, 1998, was adjudicated delinquent for an action that would be a sexual offense if committed by an adult;
- (2) as of July 1, 1998, was serving formal probation, a period of detention, or commitment to the Idaho Department of Juvenile Corrections for an action that would be a sexual offense if committed by an adult;
- (3) was adjudicated delinquent in another state for an action that is substantially equivalent to a sexual offense in Idaho, 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 sexual offense in that state regardless of the date of the offense or its adjudication.

(Idaho Code § 18-8403)

4. WHEN AND WHERE DOES AN OFFENDER REGISTER?

Within 10 days of coming into any county in Idaho to establish residence or temporary domicile, a sexual offender must register with the sheriff of the county.

(Idaho Code § 18-8307(1)(a))

5. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

Information required for initial registration in the central registry includes the sexual offender's:

- (1) name and aliases;
- (2) social-security number;
- (3) physical descriptors;
- (4) current address or physical description of current residence;
- (5) offense for which he or she was convicted;
- (6) sentence received;
- (7) conditions of release;
- (8) treatment or counseling received; and
- (9) risk assessment or special category.

(Idaho Code § 18-8306(8))

6. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

A sexual offender who changes address or actual residence must give written notice of the new address to the sheriff of the county where he or she is required to register within five working days after the change of address.

(Idaho Code § 18-8309(1))

7. WHAT HAPPENS IF AN OFFENDER MOVES FROM IDAHO TO ANOTHER STATE?

If a sexual offender moves to another state, he or she must provide written notice of the new address to the Idaho State Police within five working days after making the change.

(Idaho Code § 18-8309(2))

A sexual offender who moves from Idaho to another state must register in the new state within 10 days of changing residence to that state.

(Idaho Code § 18-8306(6)(c); § 18-8307(1)(a))

8. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO IDAHO REQUIRED TO REGISTER?

A sexual offender from another state who moves to Idaho must register with the county sheriff within 10 days of establishing residence or temporary domicile.

(Idaho Code § 18-8307(1)(a))

9. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN IDAHO?

Nonresidents who work or go to school in Idaho must register with the sheriff of the county where he or she is employed or enrolled as a student within 10 days of beginning employment or enrollment as a student.

(Idaho Code § 18-8307(1)(b))

Nonresidents employed in counseling, coaching, teaching, or supervisory positions, and those who work with minors in any way regardless of the period of employment, must register prior to the commencement of such employment.

(Idaho Code § 18-8307(1)(b))

10. IS REGISTRATION A LIFETIME REQUIREMENT?

For recidivists, sexual offenders convicted of aggravated offenses, and sexual offenders designated violent sexual predators, registration is a lifetime requirement. All other sexual offenders may petition the district court to be exempt from the duty to register after a period of 10 years from the date he or she is released from incarceration or placed on parole, supervised release, or probation, whichever is greater.

(Idaho Code § 18-8310(1))

A juvenile-sexual offender must register until he or she reaches 21.

(Idaho Code § 18-8410)

11. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

A sexual offender subject to registration who fails to register or provide any required notice is guilty of a felony and will be punished by imprisonment in the state prison system for a period not to exceed five years and by a fine not to exceed \$5,000. If a sexual offender is on probation or other supervised release or suspension from incarceration at the time of the violation, the probation or supervised release or suspension will be revoked and the penalty for violating the registration and notification requirements will be served consecutively with the sexual offender's original sentence.

(Idaho Code § 18-8311(1))

A sexual offender subject to registration who willfully provides false or misleading information is guilty of a felony and will be punished by imprisonment in a state prison for a period not to exceed five years and a fine not to exceed \$5,000.

(Idaho Code § 18-8311(2))

A juvenile-sexual offender who fails to register is guilty of a misdemeanor.

(Idaho Code § 18-8409(1))

A parent or guardian of a juvenile-sexual offender commits the misdemeanor offense of failure to supervise a minor if a juvenile-sexual offender fails to register and is subject to a fine of no more than \$1,000.

(Idaho Code § 18-8409(2))

12. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

The Idaho State Police or county sheriff must provide public access to information contained in the central sex-offender registry. A separate registry is maintained within the central sex-offender registry for juvenile-sexual offenders. The notification requirements below apply to adult and juvenile sexual offenders alike.

(Idaho Code § 18-8323(1); § 18-8404)

Any person may inquire about a named sexual offender by submitting an information request form obtained from the Idaho State Police or county sheriff. Information required for the inquiry includes the sexual offender's full name and address or full name and date of birth. Any person may also request a list of registered sexual offenders by geographic area (*i.e.*, by county or zip code) by submitting an information request form. All requesters must provide their full name, street address, and driver's license or social-security number.

(Idaho Code §§ 18-8323(2)(a)-(b))

Schools and organizations working with youth, women, or other vulnerable populations may request a statewide list or a list by geographic area.

(Idaho Code § 18-8323(2)(c))

Information provided to the requester includes the sexual offender's name, address, any aliases or prior names, date of birth, the offense of conviction, and the place of conviction. The information provided also states whether the sexual offender is a "violent sexual predator."

(Idaho Code § 18-8323(2)(e))

The Idaho State Police will also provide to any person, upon written request and at a reasonable cost, the photograph of any registered sexual offender contained in the central sex-offender registry.

(Idaho Code § 18-8323(3))

13. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

Information on sexual offenders who failed to complete both initial and annual registration and on violent sexual offenders is available on the Internet. The Internet address for the Idaho State Police Central Sex-Offender Registry is http://www.isp.state.id.us/identification/sex_offender/index.html.

14. WHAT IS THE PENALTY FOR MISUSE OF OFFENDER INFORMATION?

Any person who uses information obtained about an adult- or juvenile-sexual offender to commit a crime or to cause physical harm to any person or damage to property is guilty of a misdemeanor and may be imprisoned in the county jail for up to one year, fined no more than \$1,000, or both.

(Idaho Code § 18-8326)