

Idaho lawmakers propose tough laws on sex offenders

Bills would require lengthy mandatory sentences, but they may not get a hearing

By William L. Spence of the Tribune

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BOISE - A bill requiring long mandatory prison terms for criminals who sexually molest young children could be quashed before it even gets a hearing.

Sen. Gary Schroeder, R-Moscow, introduced the bill at the request of one of his constituents, Angie Miller. It calls for a minimum 30-year sentence for anyone - including first-time offenders - who is found guilty or pleads guilty to lewd conduct with children younger than 16 years of age.

Sen. Diane Bilyeu, D-Pocatello, is considering a similar bill that would impose a 25-year mandatory minimum. She also wants to rename the statute "Jessica's Law," after a Florida law adopted in 2005 after a convicted sex offender raped and murdered a young girl. More than 40 states have subsequently adopted some version of the law.

"I knew a lot of states had passed similar bills, and I saw no excuse for Idaho not to have one," said Miller, during a telephone interview. "A 25-year mandatory minimum seems very reasonable to me."

Schroeder said a law like this could save lives by keeping first-time offenders in prison.

"I don't have any sympathy for people who prey on kids," he said. "I generally don't like mandatory minimums, but this bill falls into the category of protecting society."

However, the chairman of the Senate Judiciary Committee has concerns with the proposals and may not give Schroeder or Bilyeu a hearing.

"I don't know if we're going to go anywhere with them or not," said Sen. Denton Darrington, R-Declo.

One major problem, Darrington said, is the lewd conduct statute covers a wide range of behavior. Inappropriate touching, underage sex or violent assault all

qualify, and depending on the behavior and circumstances, he said, a 25-year sentence may or may not be justified.

"That's why we have judicial discretion," Darrington said. "It has long been the philosophy of this Legislature not to take too much discretion away from judges. There are more than 300 felonies listed in Idaho Code, and we only have 11 mandatory minimums."

Furthermore, there's no evidence judges are taking it easy on sexual criminals, he said. They're handing down harsh sentences.

"I'm not saying I'm not open to discussion or persuasion," Darrington said. "I'm open to looking for ways to strengthen our laws. I haven't made a decision (whether to give Schroeder or Bilyeu a hearing), but right now I'm reluctant to do that."

Fox News commentator Bill O'Reilly has lambasted Idaho and the handful of other states that don't have a version of Jessica's Law. Miller said it's been suggested to her that some legislators don't like the network telling them how to govern the state.

"Well, I'm not Fox News," she said. "I think I probably represent most of Idaho, and I don't understand why (conservatives and liberals) can't come together on this."

Spence may be contacted at bspence@lmtribune.com or (208) 848-2274.