



Legal Protections for Public Health Officials: Threats and Interfering with Government Operations

Idaho Fact Sheet

50-State Survey Summary

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C. have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. States with laws that cover other public officials, but not public health officials, were not included in this chart. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but 2, Louisiana and Oklahoma, include protections for state **and** local officials.

Below is more information on Idaho's relevant law.

Threats Against Officials

Idaho Code, § 18-1353A. Threats against state officials of the executive, legislative or judicial branch or elected officials of a county or city

Whoever knowingly and willfully deposits for conveyance in the mail or for a delivery from any post office or by any letter carrier, any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon any state elected official of the executive or legislative branch, or any justice, judge or magistrate of the judicial branch, or person appointed to fill the vacancy of a state elected official of the executive or legislative branch of the state of Idaho, or knowingly and willfully otherwise makes any such threat against a state elected official of the executive or legislative branch, or any justice, judge or magistrate of the judicial branch, or person appointed to fill the vacancy of a state elected official of the executive or legislative branch of the state of Idaho, or upon any elected official of any county or city, is guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed one thousand dollars (\$1,000) and shall be sentenced to not to exceed one (1) year in the county jail.

If such threat is made while the defendant exhibits a firearm or other dangerous or deadly weapon, the defendant shall be guilty of a felony.



Upon a second or subsequent conviction of an offense under this section, the defendant shall be guilty of a felony and shall be sentenced to a term of not to exceed five (5) years in the state penitentiary.

Penalties

Idaho Code, § 18-1353A

Up to one year imprisonment and/or up to \$1,000 fine.

Note: Aggravating factors may increase penalties.

Summary

A person is guilty of threatening death or harm to a state, city, or county elected official faces up to one year imprisonment and/or a fine of up to \$1,000. If the action involves a firearm or dangerous weapon, the crime may be charged as a felony. A second or subsequent offense is charged as a felony as well.

Template Response to Violators

Below is a sample template for notifying perpetrators regarding their conduct relative to the code.

Idaho Code, § 18-1353A protects elected state, city, and county officials from threats of death and physical harm. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to the Governor of Idaho threatening his life if he enacted a mask mandate.] *This may constitute a violation of § 18-1353A. If convicted, for a first offense, you face up to one year imprisonment and/or a fine of up to \$1,000.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*