



BRAD LITTLE
GOVERNOR

April 13, 2021

The Honorable Janice McGeachin
President of the Senate
Idaho Legislature
Boise, ID 83720

VIA HAND DELIVERY

Dear Madam President,

I hereby advise you that I have transmitted to the Office of the Secretary of State, with my approval, the following Senate Bill, to wit:

S 1089, as amended

within the time prescribed by law, the same having arrived in the Office of the Governor at the hour of 11:10 a.m. on April 12, 2021.

I am pleased to sign this bill repealing some antiquated exemptions to spousal rape which have curiously remained on the books far longer than they should have. My purpose for writing is simply to encourage you to clarify what constitutes a lawful marriage for the purposes of Section 18-6101. We need to be certain our laws do not have the effect of exempting bad actors—such as human or sex traffickers—from criminal liability under this section. A marriage, though lawful under the laws of some foreign jurisdiction, could tacitly still provide safe harbor to rape in circumstances it should not.

There is no question this bill improves our laws, but this bill also illuminates possible shortcomings that remain in law. At my request, the Idaho Criminal Justice Commission stands ready to work with legislative partners on further improvements to this section.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brad Little", written over a horizontal line.

Brad Little
Governor of Idaho

Cc: Secretary of State Lawrence Denney