

## SUMMARY STATEMENT

*State v. Crist*

Docket No. 50737

This permissive appeal arose under Idaho's Sexual Offender Registration Notification and Community Right-to-Know Act ("SORA") and concerned a magistrate court's authority to determine whether a nonresident had a duty to register in Idaho as a sex offender due to an out-of-state conviction. Damon Victor Crist argued that he was wrongfully arrested for failure to register as an out-of-state sex offender when he came to Idaho temporarily for work purposes. The State alleged Crist's duty to register stemmed from his prior Utah conviction of kidnapping a child—a crime for which Crist was required to register in Utah—because the offense was substantially equivalent to a registrable offense in Idaho. The magistrate court agreed with the State and bound Crist over to the district court.

Thereafter, Crist filed a motion to dismiss in the district court, arguing he was not required to register in Idaho because the Idaho State Police's Bureau of Criminal Identification (the "Bureau") had not issued a final agency action declaring that his foreign conviction was substantially equivalent to a registrable offense in Idaho prior to his arrest. The district court denied that motion and then granted Crist's subsequent motion for permissive appeal to this Court. On appeal, Crist argued the district court erred in denying his motion to dismiss his failure to register charge because Idaho law does not permit the magistrate court to determine whether his out-of-state kidnapping conviction is substantially equivalent to Idaho's second degree kidnapping law, Idaho Code section 18-4503. Crist argued that SORA's administrative scheme exclusively authorizes the Bureau to make that determination and, therefore, there was insufficient probable cause to bind the defendant over to the district court.

The Idaho Supreme Court affirmed the decision of the district court. First, the Court held the Bureau did not have exclusive authority to determine whether a foreign conviction is substantially equivalent to a registrable Idaho offense. The Court explained that SORA's provisions do not predicate a nonresident's duty to register on the Bureau's determination that a foreign conviction is substantially equivalent to a registrable Idaho offense or on the nonresident's receipt of notice of such determination. Instead, the duty to register is triggered by the fact of an out-of-state conviction that is substantially equivalent to a registrable offense in Idaho and entry into Idaho to establish residency, for employment purposes, or to attend a public or private educational institution under the plain language of Idaho Code sections 18-8304(1)(b) and 18-8307(4)(b). Accordingly, the Court held the magistrate court had the authority to determine whether Crist's Utah conviction was substantially equivalent to an Idaho offense because such determination necessarily attends its task to determine whether a defendant is an "offender subject to registration" pursuant to Idaho Code section 18-8311(1).

***\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\****