

## SUMMARY STATEMENT

*Skehan v. Idaho State Police*

Docket No. 49547-2022

The Idaho Supreme Court affirmed the district court's order affirming the Idaho Sex Offender Registry's ("SOR") declaratory ruling that Michael W. Skehan must register as a sex offender in Idaho. Skehan was convicted of sexual abuse in the third degree in Oregon. After Skehan moved to Idaho, the Kootenai County Sheriff's Office requested that the SOR determine whether Skehan's Oregon conviction was substantially equivalent to an Idaho sex offense for which registration was required, thus requiring Skehan to register as a sex offender in Idaho. The SOR issued a declaratory ruling concluding that Skehan's Oregon conviction was substantially equivalent to an Idaho sex offense requiring registration—lewd conduct with a minor contained in Idaho Code section 18-1508. Skehan filed a petition for judicial review of the declaratory ruling, and the district court affirmed. Skehan then appealed to the Idaho Supreme Court.

On appeal, Skehan argued that the district court erred in affirming the SOR's declaratory ruling because the ruling violated his due process rights, exceeded the statutory authority of the SOR, and was arbitrary, capricious, or an abuse of discretion. Skehan argued that, when making its substantial equivalency determination, the SOR could not consider documents underlying his Oregon conviction, that it was required to consider whether his Oregon conviction was a misdemeanor or felony, and that it was required to consider Idaho offenses not requiring registration.

The Court affirmed the district court's order affirming the SOR's declaratory ruling that Skehan must register as a sex offender in Idaho. The Court first held that Skehan did not preserve several of his arguments because the record on appeal did not contain his briefing before the district court. The Court next concluded that the SOR considering documents underlying Skehan's Oregon conviction was not arbitrary or capricious because an Idaho administrative rule expressly permitted the SOR to consider those documents. The Court also concluded that the SOR was not required to consider whether Skehan's Oregon conviction was a misdemeanor or felony or consider Idaho offenses not requiring registration as part of its substantial equivalence analysis. Accordingly, the Court affirmed the district court's order affirming the SOR's declaratory ruling.

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