

CHAPTER 1

GENERAL PROVISIONS

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5-1-1: LEGISLATIVE PURPOSE: This title is called the Criminal Code. All words and phrases used herein shall have the same meaning as ascribed in Title 18 of the Idaho Code, except as expressly defined herein. All provisions herein shall be applied in the same manner and construed consistently with the provisions of the Criminal Code for the State of Idaho.

5-1-2: DEFINITION OF CRIME: A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and for which any person may be punished by imprisonment or fine.

5-1-3: PUNISHMENT FOR CRIMES: Every person committing a crime, other than an infraction, is punishable by imprisonment for a term not exceeding six (6) months, or by a fine not exceeding three hundred dollars (\$300), or by both, or by any other fine, imprisonment or combination thereof, permitted by Idaho Code Section 50-302. Any person committing an infraction is punishable only by a penalty not to exceed one hundred dollars (\$100).

5-1-4: PROSECUTIONS AGAINST CORPORATIONS: The City may prosecute any corporation for violation of this Criminal Code. In any such prosecution, it shall be sufficient to make the corporation in its corporate name a defendant and service may be procured against the corporation in the same manner as permitted under the Criminal Code of the State of Idaho. Any judgment imposed by the Court against a corporation shall have the force and effect of a judgment in a civil action, and execution against a corporation may issue in the same manner as in civil actions. Any summons served upon a defendant corporation shall contain a statement that the corporation shall appear forthwith and defend said action, and in the event of its failure to do so, a plea of not guilty will be entered by the court and the trial will proceed as if the corporation had appeared. A copy of the Complaint shall be

attached to and served with the Summons.

5-1-5: UNION OF ACT AND INTENT: In every crime there must exist a union, or joint operation, of act and intent, or criminal negligence.

5-1-6: MANIFESTATION OF INTENT: The intent to commit a crime is manifested by the circumstances connected with the crime and the sound mind and discretion of the accused.

5-1-7: TERRITORIAL JURISDICTION: Any person who commits a crime within the City is punishable as set forth in this Criminal Code. A crime is committed for the purposes thereof when all elements of the crime have occurred; however, a person is punishable under this Code whenever any element of the crime is committed within the City.

5-1-8: PROCEDURES UNDER IDAHO PENAL CODE: All provisions of this Code shall be enforced, interpreted and administered in accordance with the Penal Code of the State of Idaho, as set forth in Title 18 Idaho Code. Without limiting the foregoing, all arrests, prosecution and enforcement of this Code shall be in accordance with Chapters 1 through 7, and 16, 17 and 20, Title 18, Idaho Code.