

What is the legal definition of domestic violence?

Domestic violence is a crime under Idaho Code § 18-918 (2002).

Domestic Violence is defined (in Idaho Code § 39-6303) as “the physical injury, sexual abuse or forced imprisonment or threat thereof of a family or household member, or of a minor child by a person with whom the minor child has had or is having a dating relationship, or of an adult by a person with whom the adult has had or is having a dating relationship” (2002).

- **Dating Relationship** is defined as “a social relationship of a romantic nature.”
- **Family Member** is defined as “spouses, former spouses and persons related by blood, adoption, or marriage.”
- **Household Member** is defined as “persons who reside or have resided together, and persons who have a child in common, regardless of whether they have been married or lived together at any time.”

There are several different crimes of domestic violence.

Assault (Under Idaho Law §18-901) is defined as any of the following:

- An unlawful attempt, coupled with apparent ability, to commit a violent injury on the person of another
- An intentional unlawful threat by word or act to do violence to the person of another, coupled with the apparent ability to do so
- Doing some act that creates a well-founded fear that such violence is imminent.

Battery (Under Idaho Law § 18-903) is defined as any of the following:

- Willful and unlawful use of force or violence upon the person of another
- Actual intentional and unlawful touching or striking of another person-against their will
- Unlawfully and intentionally causing bodily harm to an individual

Traumatic Injury (Under Idaho Law § 18-918 (2)) is defined as the following

- Wound or external or internal injury, whether of minor or serious nature and caused by physical force

Using these definitions, the following are domestic violence crimes:

- Misdemeanor Domestic Assault: Assault against a household member without traumatic injury § 18-918 (4).
- Misdemeanor Domestic Battery: Battery against a household member without traumatic injury § 18-918 (5).
- Felony Domestic Battery: Battery against a household member with willful and unlawful infliction of traumatic injury upon that person § 18-918 (3).