

STATEMENT OF PURPOSE

RS26019

Upon conviction, criminal defendants are normally assessed several different fees, fines, and sometimes restitution (hereinafter collectively referred to as "fees"). Defendants are rarely able to initially pay the total amount due, and thus, they submit partial payments to the clerk pursuant to an agreement with the court. These partial payments must be distributed per the various statutes governing each fee. However, many of the fee statutes set competing priorities for the order of disbursement because those statutes have been adopted at various times by different legislatures. As a result, the Supreme Court has been required to engage in statutory construction and enter an order establishing a priority. This bill seeks important policy decisions from the Legislature in order to establish a disbursement schedule in a single statute.

This enactment is necessary to allow re-programming of the Court's Odyssey case management system to accomplish the Legislature's policy directives. In addition, organizing all twenty four (24) possible fees in a single statute will allow for better understanding of the effects of the distribution order. Many of these fees enure to the counties and are vital to support the important programs funded by the fees. Specifically, monthly supervision fees for misdemeanor probation and problem-solving court programs support important county public safety efforts. As a result, this bill suggest placing those fees third and fourth in the distribution schedule in order to support those county efforts and sustain the current systems. This legislation also seeks to maintain the long-standing legislative policy of requiring defendants to submit fee payments to the clerk of the court in order to continue consistent and accountable tracking of all payments and ensure legislative policy is followed in distribution. Finally, while this bill represents a suggested prioritization, it is offered with the understanding and intention that the important policy decisions by the Legislature may require re-ordering of the distribution schedule.

FISCAL NOTE

This amendment does not require the expenditure of government funds, and thus, there will be no fiscal impact upon the General Fund, any other state fund, or local governments. As written, this legislation neither changes the amount of any statutory fee nor modifies to which funds the fees are disbursed. However, this bill will affect the time at which certain funds receive payments, and this bill would require the Court's staff to reprogram the disbursement priorities in the Odyssey system as the state transitions to that tool.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).