

STATEMENT OF PURPOSE

RS26709

In 1992, Idaho Code § 19-5307 was enacted. It created a special fine up to \$5,000 for certain enumerated crimes of violence. This fine is separate from criminal penalties or restitution and is paid to the victim or the victim's family. If recovered from the defendant, often this fine is used to help pay for counseling, therapy or other treatments for the lingering emotional and psychological effects of being a victim of a violent crime. Though this fine works as a civil judgement against the defendant, it does not substitute for any civil action or remedy that may be available to the victim or the victim's family.

Idaho Code § 18-306 limits fines for attempts of crimes to one-half the maximum fine that can be imposed for the attempted crime. The Idaho Court of Appeals held that Idaho Code § 18-306 applies to attempts of crimes listed in Idaho Code § 19-5307, so the maximum fine for an attempt of an enumerate crime of violence is \$2,500. See *Crow v. State*, 160 Idaho 201, 203 n.2, 370 P.3d 404, 406 n.2 (2016).

This bill adds two violent felonies to the list subject to the fine of up to \$5,000: Attempted Strangulation and Felony Domestic Violence. This bills also allows for fines of up to \$5,000 for the attempts of two felonies: Murder and Rape.

FISCAL NOTE

This legislation has no fiscal impact to the general fund, other state funds, or to any local government budgets. It has no fiscal impact because the civil judgement is against the defendant, who will be paying an increased fine of \$5,000.

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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).