

STATEMENT OF PURPOSE

RS26535

This is one of a series of bills the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the laws, as required by article V, section 25 of the Idaho Constitution. In certain circumstances, I.C. § 5-508 allows a court to order that service of a civil summons be made by publication in a newspaper. I.C. § 5-509 sets forth specific requirements for these orders directing service by publication. Although these court orders direct that a copy of the summons and complaint also be mailed to defendants with known addresses, the current form of I.C. § 5-509 confusingly requires "the clerk" to direct such mailing. Thus, the language of I.C. § 5-509 should be modified to clarify that the "order," and not the "clerk," directs the mailing of a copy of the summons and complaint to defendants with known addresses.

FISCAL NOTE

This proposed amendment will have no fiscal impact upon the General Fund, any other state fund, or local governments. In accordance with Joint Rule 18, the reason no fiscal impact is projected is because the amendment only clarifies the specific requirements for court orders directing service of a civil summons by publication in a newspaper, and it neither involves nor affects any government expenditure or revenue.

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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).