

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 271

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ADVERTISING ILLEGAL PRODUCTS AND SERVICES; AMENDING TITLE 18,
2 IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 90, TITLE 18, IDAHO CODE, TO
3 PROHIBIT THE ADVERTISING OF ILLEGAL PRODUCTS AND SERVICES, TO PROVIDE A
4 PENALTY, AND TO DEFINE A TERM; AMENDING SECTION 19-4705, IDAHO CODE, TO
5 PROVIDE FOR THE APPORTIONMENT OF CERTAIN FINES; AND DECLARING AN EMER-
6 GENCY.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Title 18, Idaho Code, be, and the same is hereby amended
10 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
11 ter 90, Title 18, Idaho Code, and to read as follows:

12 CHAPTER 90
13 ADVERTISING ILLEGAL PRODUCTS AND SERVICES

14 18-9001. ADVERTISING ILLEGAL PRODUCTS AND SERVICES PROHIBITED. (1)
15 Any person who willfully publishes any commercial advertisement, in any
16 medium, within the state of Idaho for a product or service that is illegal
17 under the laws of the jurisdiction where the product or service is offered,
18 including federal, state, or local laws, is guilty of a misdemeanor, pun-
19 ishable in accordance with section 18-113, Idaho Code, with a fine of five
20 hundred dollars (\$500) to be imposed for each violation. Each day in which a
21 violation of this section exists shall be considered a separate offense.

22 (2) As used in this section, "commercial advertisement" means an ad-
23 vertisement that encourages consumers to engage with products or services to
24 benefit a commercial enterprise.

25 SECTION 2. That Section 19-4705, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 19-4705. PAYMENT OF FINES AND FORFEITURES -- SATISFACTION OF JUDGMENT
28 -- DISPOSITION -- APPORTIONMENT. (1) Except as otherwise provided in subsec-
29 tion (2) of this section:

30 (a) All fines and forfeitures collected pursuant to the judgment of
31 any court of the state shall be remitted to the court in which the judg-
32 ment was rendered. The judgment shall then be satisfied by entry in the
33 docket of the court. The clerk of the court shall daily remit all fines
34 and forfeitures to the county auditor, who shall at the end of each month
35 apportion the proceeds according to the provisions of this chapter.
36 Other existing laws regarding the disposition of fines and forfeitures
37 are hereby repealed to the extent such laws are inconsistent with the
38 provisions of this chapter, except as provided in section 49-1013(5),
39 Idaho Code.

1 (b) Fines and forfeitures remitted for violations of fish and game
2 laws shall be apportioned two and one-half percent (2 1/2%) to the
3 state treasurer for deposit in the state general fund, ten percent
4 (10%) to the search and rescue account, twenty-two and one-half percent
5 (22 1/2%) to the district court fund, and sixty-five percent (65%) to
6 the public shooting range fund as provided in section 36-418, Idaho
7 Code.

8 (c) Fines and forfeitures remitted for violations of state motor ve-
9 hicle laws, for violation of state driving privilege laws, and for
10 violation of state laws prohibiting driving while under the influence
11 of alcohol, drugs or any other intoxicating substances shall be appor-
12 tioned ten percent (10%) to the state treasurer, of which eighty-six
13 percent (86%) shall be deposited to the state general fund and fourteen
14 percent (14%) shall be deposited to the peace officers standards and
15 training fund authorized in section 19-5116, Idaho Code, forty-five
16 percent (45%) to the state treasurer for deposit in the highway distri-
17 bution account, twenty-two and one-half percent (22 1/2%) to the dis-
18 trict court fund, and twenty-two and one-half percent (22 1/2%) to the
19 state treasurer for deposit in the public school income fund; provided,
20 however, that fines and forfeitures remitted for violation of state mo-
21 tor vehicle laws, for violation of state driving privilege laws, and for
22 violation of state laws prohibiting driving while under the influence
23 of alcohol, drugs or any other intoxicating substances, where an arrest
24 is made or a citation is issued by a city law enforcement official or by
25 a law enforcement official of a governmental agency under contract to
26 provide law enforcement services for a city, shall be apportioned ten
27 percent (10%) to the state treasurer, of which eighty-six percent (86%)
28 shall be deposited to the state general fund and fourteen percent (14%)
29 shall be deposited to the peace officers standards and training fund
30 authorized in section 19-5116, Idaho Code, and ninety percent (90%) to
31 the city whose officer made the arrest or issued the citation.

32 (d) Fines and forfeitures remitted for violation of any state law not
33 involving fish and game laws, motor vehicle laws, state driving privi-
34 lege laws, or state laws prohibiting driving while under the influence
35 of alcohol, drugs or any other intoxicating substances shall be appor-
36 tioned ten percent (10%) to the state treasurer, of which eighty-six
37 percent (86%) shall be deposited to the state general fund and fourteen
38 percent (14%) shall be deposited to the peace officers standards and
39 training fund authorized in section 19-5116, Idaho Code, and ninety
40 percent (90%) to the district court fund of the county in which the vio-
41 lation occurred.

42 (e) Fines and forfeitures remitted for violation of county ordinances
43 shall be apportioned ten percent (10%) to the state treasurer, of which
44 eighty-six percent (86%) shall be deposited to the state general fund
45 and fourteen percent (14%) shall be deposited to the peace officers
46 standards and training fund authorized in section 19-5116, Idaho Code,
47 and ninety percent (90%) to the district court fund of the county whose
48 ordinance was violated.

49 (f) Fines and forfeitures remitted for violation of city ordinances
50 shall be apportioned ten percent (10%) to the state treasurer, of which

1 eighty-six percent (86%) shall be deposited to the state general fund
2 and fourteen percent (14%) shall be deposited to the peace officers
3 standards and training fund authorized in section 19-5116, Idaho Code,
4 and ninety percent (90%) to the city whose ordinance was violated.

5 (g) Fines and forfeitures remitted for violations not specified in this
6 chapter shall be apportioned ten percent (10%) to the state treasurer,
7 of which eighty-six percent (86%) shall be deposited to the state gen-
8 eral fund and fourteen percent (14%) shall be deposited to the peace of-
9 ficers standards and training fund authorized in section 19-5116, Idaho
10 Code, and ninety percent (90%) to the district court fund of the county
11 in which the violation occurred, except in cases where a duly designated
12 officer of any city police department or city law enforcement official
13 made the arrest for any such violation, in which case ninety percent
14 (90%) shall be apportioned to the city whose officer made the arrest.

15 (h) Fines and forfeitures remitted for violations involving any of the
16 provisions of chapter 71, title 67, Idaho Code, shall be apportioned ten
17 percent (10%) to the state treasurer, of which eighty-six percent (86%)
18 shall be deposited to the state general fund and fourteen percent (14%)
19 shall be deposited to the peace officers standards and training fund au-
20 thorized in section 19-5116, Idaho Code, and ninety percent (90%) to the
21 general fund of the county or city whose law enforcement official issued
22 the citation.

23 (i) Fines and forfeitures remitted for violations of overweight laws
24 as provided in section 49-1013(3), Idaho Code, shall be deposited one
25 hundred percent (100%) into the highway distribution account.

26 (j) Fines remitted for violations of section 18-7008, Idaho Code, shall
27 be apportioned ten percent (10%) to the district court fund, sixty-five
28 percent (65%) to the county where the trespass occurred for appropri-
29 ation to the sheriff's office, and twenty-five percent (25%) to the Idaho
30 rangeland resources commission for expanded education programs regard-
31 ing private property rights and land user responsibility.

32 (k) Fines remitted for violations of section 18-9001, Idaho Code, shall
33 be apportioned ninety percent (90%) to the county where the violation
34 occurred for appropriation to the sheriff's office and ten percent
35 (10%) to the district court fund of the county where the violation oc-
36 curring.

37 (2) Any fine or forfeiture remitted for any misdemeanor violation for
38 which an increase in the maximum fine became effective on or after July 1,
39 2005, shall be apportioned as follows:

40 (a) Any funds remitted, up to the maximum amount that could have been
41 imposed before July 1, 2005, as a fine for the misdemeanor violation
42 shall be apportioned according to the applicable provisions of subsec-
43 tion (1) of this section; and

44 (b) Any other funds remitted, in excess of the maximum amount that could
45 have been imposed before July 1, 2005, as a fine for the misdemeanor vi-
46 olation shall be remitted to the state treasurer and shall be deposited
47 in the drug court, mental health court and family court services fund as
48 set forth in section 1-1625, Idaho Code.

49 (3) As used in this section, the term "city law enforcement official"
50 shall include an official of any governmental agency providing law enforce-

1 ment services to a city in accordance with the terms of a contract or agree-
2 ment, when such official makes the arrest or issues a citation within the ge-
3 ographical limits of the city and when the contract or agreement provides for
4 payment to the city of fines and forfeitures resulting from such service.

5 SECTION 3. An emergency existing therefor, which emergency is hereby
6 declared to exist, this act shall be in full force and effect on and after its
7 passage and approval.