

DISTRICT 9  
Counties: Adams, Canyon,  
Payette & Washington



HOME ADDRESS  
5370 Elmore Rd  
Fruitland, ID 83619

208-250-6744  
alee@senate.idaho.gov

**Idaho State Senate**  
**SENATOR ABBY LEE**

March 12, 2018

Joint Legislative Oversight Committee  
Attn: Co-Chair Senator Cliff Bayer  
Attn: Co-Chair Representative Mat Erpelding

Dear Senator Bayer and Representative Erpelding,

As the Idaho Legislature continues to look at the demands and costs regarding providing court services, there is increasing interest in changing criminal codes to reduce a variety of misdemeanors to infractions. These proposals offer the ability to reduce the demand and costs for courts, counties, the public defense system and the Department of Corrections by removing potential jail time as a sanction. While this effort offers promise, it also comes with challenges.

The current process for collecting fines, fees and costs is already stretched, inefficient and at times difficult to enforce in court and through the counties. Our counties and courts rely on these fines and fees to help fund court services. Failure to collect necessary fines and fees may also result in simply having no sanction, which is not consistent with Idaho statutes on crimes and penalties.

In addition, there is inconsistent collection of civil filing fees throughout Idaho since there is little direction as to when and how indigent determinations are made in civil cases. Broad discretion to waive filing fees may also result in a reduction of revenue currently required to fund the court system in Idaho.

As we look at these impacts, I would request a study to address the following questions as appropriate:

- Are fine-based sanctions, as currently envisioned, a deterrent that effectively replaces jail time, particularly for people who are limited in their ability to pay?
- How many and which type of civil filing fees were waived in the past three years? Is there any standard as to when these fees may be waived?
- What practices best ensure compliance with financial sanctions, and how well are these practices implemented across the state?
- Across the state, what percentage of dollars from financial sanctions are being collected? What percentage could be expected if collection processes were improved?
- What are the costs (financial or other costs) for counties or court systems to start and maintain collection system?

- What role does the Administrative Office of the Courts play in any of the rules or procedures of collection processes of the individual courts? What information is collected in the Odyssey system relating to the status of fines and fees for an offender?
- Would user fees be a more effective source of funding if collection practices were improved or standardized?
- What policies are in place for courts to develop process for insuring collection of fees?
- Is there an opportunity for counties to pool resources and create district or other joint efforts to collect fines and fees?

This is an especially critical and timely discussion to have when considering the Courts and the counties are currently transitioning Odyssey, the new Court Information System. Addressing these questions and providing the information for policy makers, the Court and the counties, would provide the ability to insure better coordination, collaboration, and effective collection of these much-needed resources.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Abby Lee". The signature is written in a cursive, flowing style.

Senator Abby Lee