



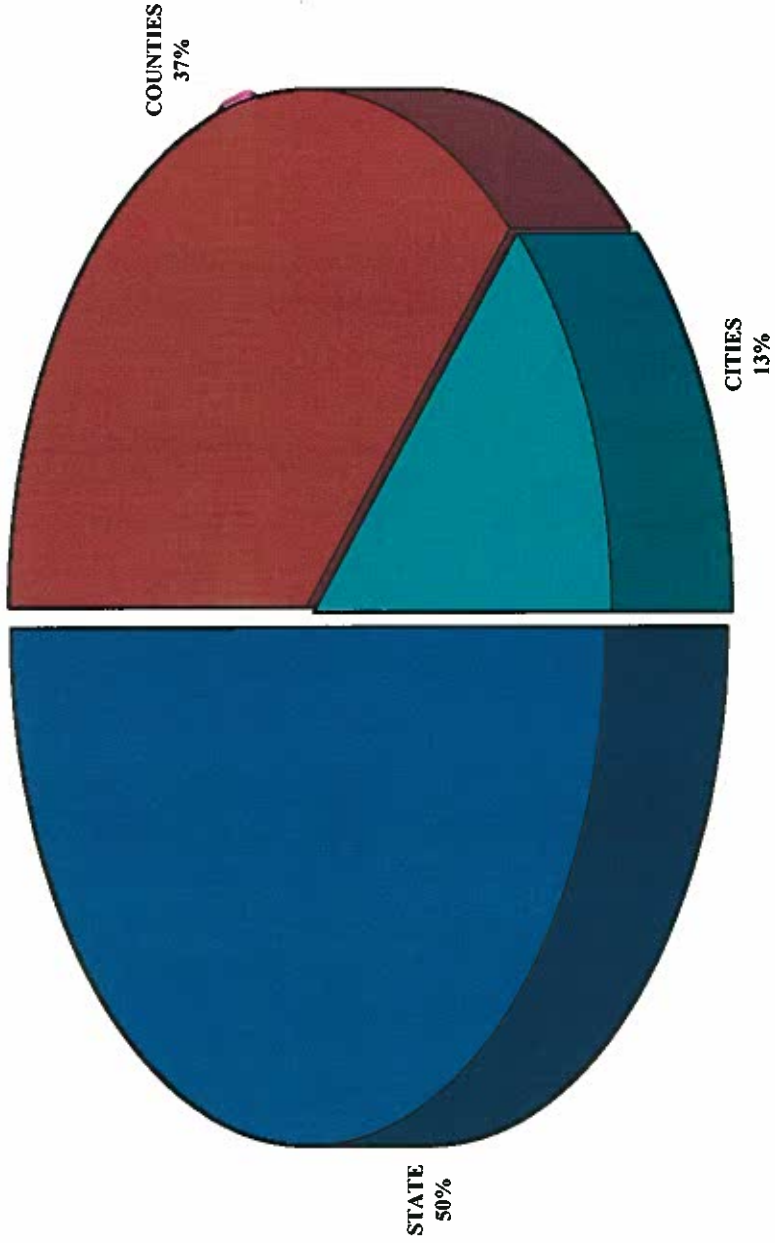
## **Distribution of Court Fees and Fines**



**HCR 32 of 2009  
Legislative Task Force to Identify Alternative  
Dedicated Funding Sources**

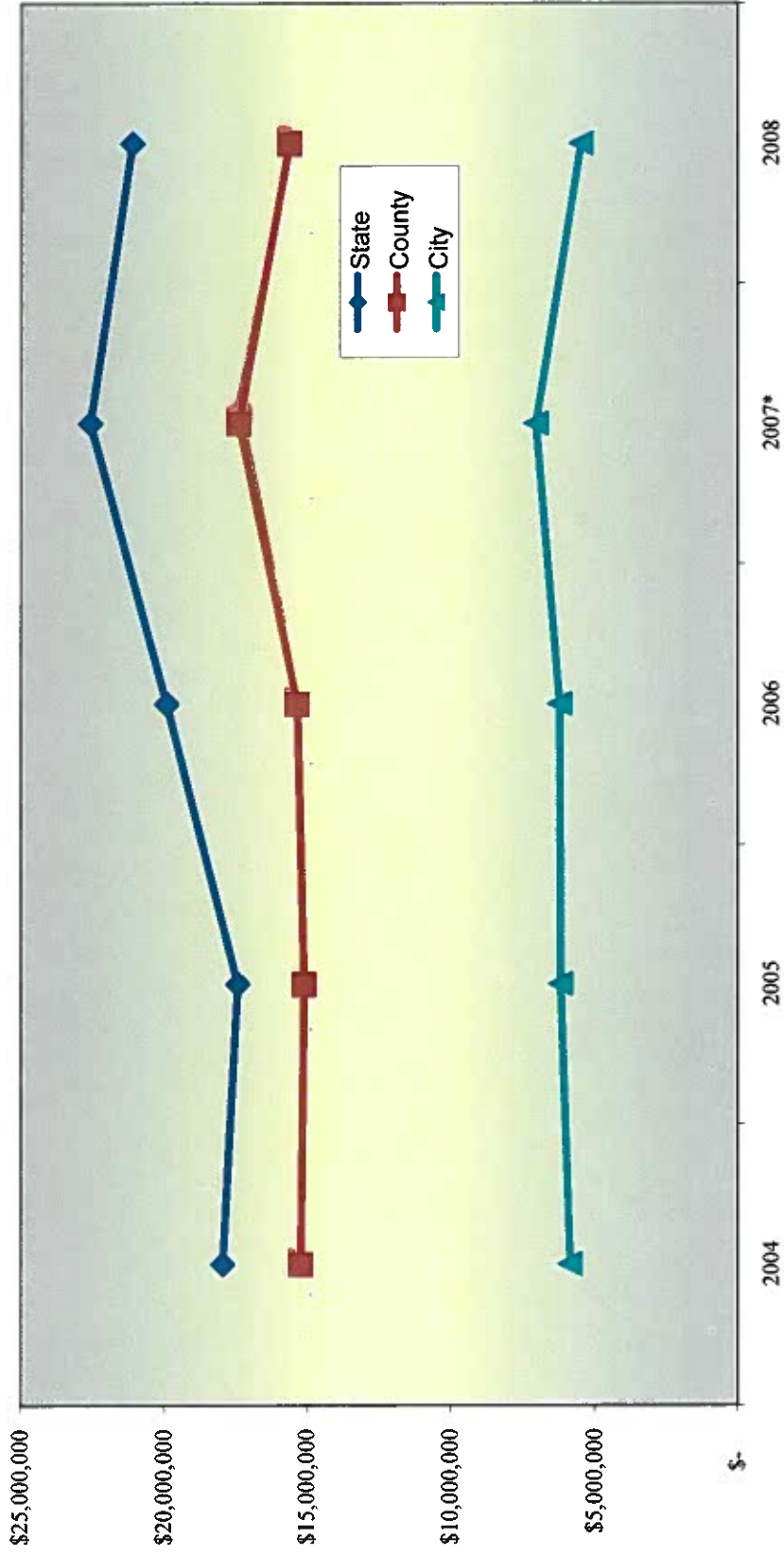


**TOTAL TRIAL COURT REVENUES**  
**County Fiscal Year 2008**  
**\$42,308,136**





## Revenue Trends County Fiscal Years 2004-2008



\* Perhaps due to a county conversion to ISTARs, Fiscal Year 2007 revenue figures were inconsistent with previous years revenue reports





Statewide Summary of Trial Court Fund Distributions (for the year ended September 30, 2008)

| Revenue Source                                       | Statutory Authority                        | Page No.    | Total Amount        |
|--|--|-------------|---------------------|
| <b>Revenues to Counties</b>                          |  |             |                     |
| Fines to Counties                                    | I.C. 19-4705                               | 1           | 7,206,395           |
| Filing Fees & Court Costs (County)                   | I.C. 31-3201A                              | 5           | 2,225,602           |
| Court Interlock/Electronic Monitoring Device Fund    | I.C. 18-8010                               | 9           | 319,511             |
| County Justice Expense Fund                          | I.C. 31-4602                               | 10          | 1,511,474           |
| Court Facilities Fund                                | I.C. 31-3201(3)                            | 11          | 765,380             |
| Community Svc Fee (State Insurance Fund)             | I.C. 31-3201C                              | 13          | 200,094             |
| Drug Court/Mental Health Court Fee (County)          | I.C. 19-5608, 31-3201E                     | 14,15       | 359,586             |
| Misdemeanor Probation Fees                           | I.C. 31-3201D(1)                           | 16          | 1,208,469           |
| Domestic Violence Evaluation Fees                    | I.C. 31-3201A(q)                           | 17          | 39,340              |
| Public Defender Fees                                 | I.C. 19-854                                | 21          | 1,372,577           |
| Juvenile Probation/Detention                         | I.C. 20-524                                | 22          | 358,939             |
| Restitution  | I.C. 37-2732(k)                            | 23          | 167,651             |
| <b>Totals Revenues to Counties</b>                   |  |             | <b>15,735,018</b>   |
| <b>Revenues to Cities</b>                            |  |             |                     |
| Fines to Cities                                      | I.C. 19-4705(f),(h)                        | 26          | 5,392,238           |
| <b>Total Revenues to Cities</b>                      |  |             | <b>\$5,392,238</b>  |
| <b>Revenues to the State</b>                         |  |             |                     |
| Forest Protection and Practice                       | I.C. 38-130                                | 29          | 4,606               |
| Filing Fees & Court Costs (State)                    | I.C. 31-3201A                              | 30          | 3,137,445           |
| All Other Fines                                      | I.C. 19-4705(c-h)                          | 34          | 1,591,506           |
| Marine Discharge Fines                               | I.C. 67-7508                               | 37          | -                   |
| Judges Retirement Fees                               | I.C. 1-2003                                | 38          | 1,566,018           |
| Idaho Code Fund                                      | I.C. 73-213                                | 40          | 689,760             |
| Public Schools                                       | I.C. 18-4907, 25-2109,<br>25-2111, 33-1012 | 41,42,43,44 | 68,918              |
| MV-Highway Distribution Account                      | I.C. 19-4705(c)                            | 45          | 2,908,883           |
| MV-Public Schools                                    | I.C. 19-4705(c)                            | 48          | 1,455,226           |
| MV-Fines/Catastrophic Health Care Fund               | I.C. 49-673                                | 51          | 98,377              |
| MV-Overweight Fines                                  | I.C. 19-4705(i)                            | 53          | 310,323             |
| Fish & Game Fines-State General Fund                 | I.C. 19-4705(b)                            | 56          | 4,890               |
| Fish & Game Fines-Search & Rescue                    | I.C. 19-4705(b),<br>36-1405                | 59,62       | 31,704              |
| Fish & Game Fines -Fish & Game                       | I.C. 19-4705(b)                            | 63          | 127,473             |
| Peace Officer Training Fee                           | I.C. 31-3201B                              | 66          | 1,491,265           |
| Other Fines and Fees - POST Fund                     | I.C. 19-4705 (c-h),<br>31-3201A            | 67,70       | 1,473,125           |
| Marriage Fees  | I.C. 32-307                                | 74          | -                   |
| Domestic Violence Fines                              | I.C. 39-6312                               | 75          | 42,604              |
| Domestic Violence Project Fees                       | I.C. 39-5213                               | 76          | 116,798             |
| Displaced Homemaker Fees                             | I.C. 39-5009                               | 77          | 157,660             |
| Crime Victim Compensation Fines                      | I.C. 72-1025                               | 78          | 1,610,273           |
| Juvenile Correction Fines                            | I.C. 20-522                                | 79          | 7,089               |
| Juvenile Correction Fees                             | I.C. 20-520(p)                             | 80          | 110,948             |
| ISTARS Technology Fees                               | I.C. 31-3201, 31-3201A                     | 84,86       | 3,002,287           |
| Guardianship/Conservatorship Pilot Project Fund      | I.C. 31-3201G                              | 90          | 153,069             |
| Drug/Mental Health/Family/<br>DV Court Services Fund | I.C. 19-4705(2)(b), 32-<br>1410            | 91,94       | 379,991             |
| Senior Magistrate Judges Fund                        | I.C. 31-3201A                              | 96          | 432,120             |
| Abandoned Vehicle Fee                                | I.C. 31-3201F                              | 100         | 750                 |
| Drug Hotline Fee                                     | I.C. 37-2735A                              | 101         | 27,649              |
| Peace & Detention Officer Disability Fund            | I.C. 72-1105                               | 102         | 146,496             |
| Misdemeanor Probation                                | I.C. 31-3201d(2)                           | 103         | 1,755               |
| Alcoholism Treatment Fund                            | I.C. 23-603                                | 104         | 31,872              |
| <b>Total Revenues to the State</b>                   |  |             | <b>\$21,180,880</b> |
| <b>Total Court Funds Collected</b>                   |  |             | <b>42,308,136</b>   |





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**CURRENT FINE DISTRIBUTION ILLUSTRATION**

**Speeding Infraction – 1 to 15 mph Above the Speed Limit**

| <b>Dollar Amount</b> | <b>Assessed For:</b>          |
|----------------------|-------------------------------|
| \$16.50              | Court Costs                   |
| \$10.00              | P.O.S.T.                      |
| \$33.50              | Fine*                         |
| \$5.00               | County Justice Fund Fee       |
| \$10.00              | ISTARS Fee                    |
| \$75.00              | Total Amount Paid by Motorist |

\*Fine Portion of Motorist Payment Distributed as follows:

When State or County  
Officer Makes the Arrest

When City Officer  
Makes the Arrest

10% or \$3.35 split 86:14 to the  
State General Fund and to P.O.S.T.

10% or \$3.35 split 86:14 to the State  
General Fund and to P.O.S.T.

45% or \$15.07 to State Highway  
Distribution Account

90% or \$30.15 to the city where officer  
made the arrest

22.5% or \$7.54 to County District  
Court Fund

22.5% or \$7.54 to Public School  
Income Fund

**CURRENT FINE DISTRIBUTION ILLUSTRATION**

**Speeding Infraction – 16 mph or More Above the Speed Limit**

| <b>Dollar Amount</b> | <b>Assessed For:</b>          |
|----------------------|-------------------------------|
| \$16.50              | Court Costs                   |
| \$10.00              | P.O.S.T.                      |
| \$98.50              | Fine*                         |
| \$5.00               | County Justice Fund Fee       |
| \$10.00              | ISTARS Fee                    |
| \$140.00             | Total Amount Paid by Motorist |

\*Fine Portion of Motorist Payment Distributed as follows:

When State or County  
Officer Makes the Arrest

10% or \$9.85 split 86:14 to the  
State General Fund and to P.O.S.T.

45% or \$44.33 to State Highway  
Distribution Account

22.5% or \$22.16 to County District  
Court Fund

22.5% or \$22.16 to Public School  
Income Fund

When City Officer  
Makes the Arrest

10% or \$9.85 split 86:14 to the State  
General Fund and to P.O.S.T.

90% or \$88.65 to the city where officer  
made the arrest

## CURRENT FINE DISTRIBUTION ILLUSTRATION

What happens to \$732.50 collected for court costs, fees and fines imposed for a misdemeanor DUI offense when a state police or county sheriff's officer makes the arrest?

| <b>Dollar Amount:</b> | <b>Assessed for:</b>   | <b>Fund that Receives Money:</b>  |
|-----------------------|--|---|
| \$17.50               | Court Costs<br>(I.C. § 31-3201A(b))                              | \$12.50 split 86:14 to the State General Fund and to P.O.S.T.<br>\$5.00 to County District Court Fund<br><br>NOTE: If the magistrate court facilities are provided by the city, \$5.00 of such fee shall be paid to the city's general fund, \$2.50 to the city capital facilities fund, and \$10.00 split 86:14 to the State General Fund and P.O.S.T. |
| \$37.00               | Victims' Compensation<br>(I.C. § 72-1025)                        | Crime Victims' Compensation Account (State)   |
| \$10.00               | P.O.S.T.<br>(I.C. § 31-3201B)                                    | Police Officers' Standards and Training Fund (State)  |
| \$600.00*             | Misdemeanor Fine<br>(I.C. § 19-4705(c) allocation)               | -10% or \$60 split 86:14 to the State General Fund and to P.O.S.T.<br>-45% or \$270 to the State Highway Distribution Account<br>-22.5% or \$135.00 to the County District Court Fund<br>-22.5% or \$135.00 to the Public School Income Fund (State)  |
| \$10.00               | County Justice Fund Administrative Surcharge (I.C. § 31-3201(3)) | County Justice Fund or Current Expense Fund if no Co. Justice Fund  |
| \$15.00               | DUI/DWP Surcharge<br>(I.C. § 18-8010)                            | County Interlock Device and Electronic Monitoring Device Fund   |
| \$10.00               | ISTARS (I.C. § 31-3201(5))                                       | ISTARS Technology Fund (State)  |
| \$3.00                | Police Officer and Detention Officer                             | Temporary Disability Fund<br>(I.C. § 72-1105(2))  |
| \$30.00               | Domestic Violence Court Fee<br>(I.C. § 32-1410)                  | Drug Court, Mental Health Court and Family Court Services Fund  |
| \$732.50 Total        | DUI Offense  | Eleven Different Funds  |

Maximum fine is \$1,000 for a first time DUI (I.C. § 18-8005(1)(b)); the actual amount imposed varies from \$500 to \$1,000 depending on the circumstances of the individual case. Typically the defendant will also be placed on probation with some of the jail time suspended. The probation may be supervised or unsupervised. Those defendants who are placed on supervised probation pay a monthly probation supervision fee of up to \$50 to support county misdemeanor probation supervision services.

## CURRENT FINE DISTRIBUTION ILLUSTRATION

What happens to \$732.50 collected for court costs, fees and fines imposed for a misdemeanor DUI offense when a city police officer makes the arrest?

| <b>Dollar Amount:</b> | <b>Assessed for:</b>   | <b>Fund that Receives Money:</b>  |
|-----------------------|--|---|
| \$17.50               | Court Costs<br>(I.C. § 31-3201A(b))                              | \$12.50 split 86:14 to the State General Fund and to P.O.S.T.<br>\$5.00 to County District Court Fund<br><br>NOTE: If the magistrate court facilities are provided by the city, \$5.00 of such fee shall be paid to the city's general fund, \$2.50 to the city capital facilities fund, and \$10.00 split 86:14 to the State General Fund and P.O.S.T. |
| \$37.00               | Victims' Compensation<br>(I.C. § 72-1025)                        | Crime Victims' Compensation Account (State)   |
| \$10.00               | P.O.S.T.<br>(I.C. § 31-3201B)                                    | Police Officers' Standards and Training Fund (State)  |
| \$600.00*             | Misdemeanor Fine<br>(I.C. § 19-4705I allocation)                 | 10% or \$60 split 86:14 to the State General Fund and to P.O.S.T.<br><br>90% or \$540 to the city   |
| \$10.00               | County Justice Fund Administrative Surcharge (I.C. § 31-3201(3)) | County Justice Fund or Current Expense Fund if no County Justice Fund   |
| \$15.00               | DUI/DWP Surcharge<br>(I.C. § 18-8010)                            | County Interlock Device and Electronic Monitoring Device Fund   |
| \$10.00               | ISTARS (I.C. § 31-3201(5))                                       | ISTARS Technology Fund (State)  |
| \$3.00                | Police Officer and Detention Officer                             | Temporary Disability Fund<br>(I.C. § 72-1105(2))  |
| \$30.00               | Domestic Violence Court Fee<br>(I.C. § 32-1410)                  | Drug Court, Mental Health Court and Family Court Services Fund  |
| \$732.50 Total        | DUI Offense  | Nine Different Funds  |

\* Maximum fine is \$1,000 for a first time DUI (I.C. § 18-8005(1)(b)); the actual amount imposed varies from \$500 to \$1,000 depending on the circumstances of the individual case. Typically the defendant will also be placed on probation with some of the jail time suspended. The probation may be supervised or unsupervised. Those defendants who are placed on supervised probation pay a monthly probation supervision fee of up to \$50 to support county misdemeanor probation supervision services.

## **Fines and Fees Imposed in Criminal and Juvenile Cases**

1. Criminal fines. The maximum fine for most misdemeanors is \$1,000 (I.C. § 18-113), and for most felonies it is \$50,000 (I.C. §§ 18-112, 18-112A). Several misdemeanors and felonies carry different maximum fines. The maximum fine for a first time DUI is \$1,000; for a second time DUI it is \$2,000; for a third time DUI (felony) it is \$5,000. (I.C. § 18-8005).
2. \$17.50 court costs for felonies and misdemeanors, \$16.50 court costs for infractions (I.C. § 31-3201A(b) and (c)).
3. Victims' Compensation Account (I.C. § 72-1025): Unless the court makes a finding of inability to pay, \$37.00 fine or reimbursement for each misdemeanor count; \$75.00 fine or reimbursement for each felony count. In addition to the \$37.00 misdemeanor and \$75.00 felony fine or reimbursement, there is a fine or reimbursement of not less than \$300.00 per count for any conviction or finding of guilt for any sex offense, including, but not limited to, offenses under I.C. §§ 18-1506, 18-1507, 18-1508, 18-1508A, 18-6101, 18-6108, 18-6605, and 18-6608.
4. Peace Officer and Detention Officer Temporary Disability Fund (I.C. § 72-1105): Unless the court makes a finding of inability to pay, \$3.00 fine for each felony or misdemeanor count.
5. State probation or parole supervision fee (I.C. § 20-225).
6. County misdemeanor probation supervision fee. (I.C. § 31-3201D)
7. Work release reimbursement to county jails; reimbursement for costs of confinement by county jail prisoner who is employed and is incarcerated only on non-employment days -- \$35.00. (I.C. § 20-614)
8. Restitution to crime victim. (I.C. § 19-5302)
9. \$10.00 ISTARs technology fee. (I.C. § 31-3201(5))
10. Community service fee -- \$0.60 per hour of community service. (I.C. § 31-3201C).
11. \$10.00 P.O.S.T. Academy fee. (I.C. § 31-3201B)
12. Statutory reimbursement of public defender costs. (I.C. § 19-854(c))
13. \$10.00 domestic violence fine. For persons who violate a domestic violence protective order (a misdemeanor), the first \$10.00 of the criminal fine is to be



distributed to the domestic violence project account (I.C. § 39-5212), as provided in I.C. § 39-6312.

14. \$10.00 Drug Hotline Fee. For persons who violate the provisions of title 37, chapter 27, a \$10.00 fine to be deposited in the Drug Enforcement Donation Fund (I.C. § 57-816), as provided in I.C. § 37-2735A.
15. Additional \$7.50 fine for fish and game violations (I.C. § 36-1405), to be deposited to the search and rescue account (I.C. § 67-2913).
16. \$10.00 county administrative surcharge fee on each criminal case, \$5.00 on each infraction, for deposit to the county justice fund (I.C. § 31-4602), or to county current expense fund where no county justice fund has been established. (I.C. § 31-3201(3))
17. \$2.00 handling fee on monthly installments of criminal fines, infraction fines, forfeitures and other costs paid on a monthly basis. (I.C. 31-3201(4))
18. \$15.00 surcharge on DUI and DWP convictions or withheld judgments, for deposit in the court interlock device and electronic monitoring device fund. (I.C. § 18-8010)
19. For convictions or withheld judgments for violations of title 37, chapter 27, or for racketeering (I.C. § 18-7804) or money laundering (I.C. § 18-8201), restitution pursuant to court order for law enforcement costs incurred. (I.C. § 37-2732(k))
20. \$150.00 Abandoned Vehicle Fee for infractions in violation of I.C. § 49-1802, to be transmitted to the Abandoned Vehicle Trust Account created by I.C. § 49-1818. (I.C. § 31-3201F)
21. \$250.00 civil penalty for driver's refusal to take alcohol concentration or drug test. (I.C. § 18-8002)
22. \$200.00 civil penalty for boater's refusal to take alcohol concentration or drug test. (I.C. § 67-7037)
23. Restitution of no less than \$50.00 for the repair or replacement of simulated wildlife, to be paid by persons pleading or found guilty of attempting to take simulated wildlife. (I.C. § 36-1101(b)(7))
24. Drug court and mental health court fee – not to exceed \$300.00 per month. (I.C. §§ 19-5608 and 31-3201E)
25. Electronic payment convenience fee. (I.C. § 31-3221)

26. Prisoner reimbursement to county jails: \$25.00 per day up to a maximum of \$500.00, plus expenses incurred to obtain such payments. (I.C. § 20-607)
27. \$20.00 fee for non-indigent prisoner in county jail to see doctor or nurse. (I.C. § 20-619)
28. Costs of alcohol evaluation for persons convicted of DUI offenses. (I.C. § 18-8005(9))
29. Costs of evaluation to determine if defendant convicted of domestic battery or domestic assault should be required to obtain aggression counseling or other appropriate treatment. (I.C. § 18-918(c)(7))
30. Costs of psychosexual evaluations for persons convicted of sexual offenses. (I.C. §§ 18-8316, 18-8317, 18-8318)
31. Restitution for victim of juvenile's conduct, to be paid by person convicted under county or city ordinance creating the offense of failure to supervise a child – up to \$2,500.00. (I.C. § 32-1301)
32. Domestic Violence Court fee -- \$30.00 to be paid by each person found guilty of any of the alcohol, substance abuse or domestic violence related offenses specified in I.C. § 32-1410.
33. Payment for substance abuse assessments, mental health examinations and treatment ordered by a court pursuant to I.C. § 19-2524 – The Department of Health and Welfare may charge fees to defendants for these assessments, examinations and treatment based upon the ability of defendants to pay.
34. Cost of mental examination ordered by the court pursuant to I.C. § 19-2522, where there is reason to believe that the defendant's mental condition will be a significant factor at sentencing; costs of the examination to be paid by the defendant if the defendant is financially able to pay.

## Infraction Rule 9

West's Idaho Code Annotated Currentness

## Idaho Court Rules

## ☒ Idaho Infraction Rules

**➔Rule 9. Judgment--Fixed penalty plus court costs for infractions--Withheld judgment and suspended penalties prohibited--Deferred payment agreements**

**(a) Entry of Judgment.** Upon, (1) the entry of an admission to an infraction citation or complaint in person or by mail under Rule 6(a) or, (2) the payment of the total amount, which includes fixed penalty and court costs, by the defendant, or, (3) a finding by the court upon trial that the defendant committed the infraction offense, or, (4) a failure of the defendant to appear in court or before the clerk as provided in Rule 8, the court shall enter judgment against the defendant for the infraction which shall order the defendant to pay the fixed penalty and court costs provided in this rule.

| INFRACTION OFFENSE   | TOTAL AMOUNT<br>(Fixed Penalty Plus<br>Court Costs) |
|--|---|
| (1) (a) Failure to fasten safety restraint, operator/occupant age 18 or older, Section 49 -673(3), Idaho Code. (Fixed penalty \$10.00, \$5.00 of which is to be sent to State's Catastrophic Health Care fund).  | \$10.00   |
| b) Failure to fasten safety restraint, operator 18 years or older with occupant(s) under 18 years of age failing to wear safety restraint. Section 49 -673(3), Idaho Code. (Fixed penalty \$10.00, \$5.00 of which is to be sent to State's Catastrophic Health Care fund).  | \$10.00   |
| (c) Failure to fasten safety restraint, operator under 18 years of age or operator under 18 who has occupant(s) under 18 years of age failing to wear safety restraint -single citation only, Section 49 -673(4), Idaho Code. (Fixed penalty \$10.00, \$5.00 of which is to be sent to State's Catastrophic Health Care Fund, court Costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology Fund fee \$10.00). | \$51.50   |
| (2) Failure to restrain child in car safety seat. Section 49 -672, Idaho Code. (Fixed penalty \$27.50, court costs \$16.50, I.C., § 31 -3201A(c), county justice fund fee \$5.00 I.C. § 31 -3201(3), and, peace officers training fee \$ 10.00 I.C. § 31 -3201B, and ISTARS technology fund fee \$10.00 I.C. § 31 -3201(5)).   | \$69.00   |
| (3) Pedestrian and bicycle infractions. (Fixed   | \$46.50   |

- penalty \$5.00, court costs \$16.50 county justice fund fee \$5.00, peace officers training fee \$ 10.00, and ISTARs technology fund fee \$10.00).
- (4) Speeding traffic infractions.
- (a) 1 to 15 miles per hour above speed Limit. (Fixed penalty \$33.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARs technology fund fee \$10.00). \$75.00
- (b) 16 or more miles per hour above speed limit. (Fixed penalty \$98.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARs technology fund fee \$10.00). \$140.00
- (5) Other moving traffic infractions. (Fixed penalty \$33.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$ 10.00, and ISTARs technology fund fee \$10.00). \$75.00
- (6) Speeding in a construction zone. I.C. § 49 -657 (Fixed penalty \$50.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARs technology fund fee \$10.00). \$91.50
- (7) Speeding in a school zone. I.C. § 49 -658 (Fixed penalty \$ 100.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARs Technology fund fee \$10.00). \$ 141.50
- (8) Permitting unauthorized child under age 18 to operate vehicle. Section 49 -333(1), Idaho Code. (Fixed penalty \$54.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARs technology fund fee \$10.00). \$96.00
- (9) Permitting any unauthorized person to operate vehicle. Section 49 -333(2), Idaho Code. (Fixed penalty \$54.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARs technology fund fee \$10.00). 96.00
- (10) Renting vehicle to unauthorized driver or failing to inspect license. Section 49 -334, Idaho Code. (Fixed penalty \$54.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10. 00, and ISTARs technology fund fee \$10.00). \$96.00
- (11) Expired license. Section 49 -319, Idaho Code. (Fixed penalty \$44.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARs technology fund fee \$10.00). \$ 86.00
- (12) Violating restricted license. Section 49 -317, Idaho Code. (Fixed penalty \$44.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARs

- technology fund fee \$10.00).
- (13) Operating vehicle under out of state license while suspended. Section 49 -329, Idaho Code. (Fixed penalty \$100.00, court costs \$ 16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$141.50
- (14) Failure to carry registration in vehicle (dismissed if registration is shown). Section 49 -427, Idaho Code. (Fixed penalty \$10.50, court costs \$16.50, county justice fund \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$ 52.00
- (15) Failure to display license plate. Section 49 -428, Idaho Code. (Fixed penalty \$10.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$52.00
- (16) Operating vehicle without registration. Section 49 -456(1), Idaho Code. (Fixed penalty \$44.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$86.00
- (17) Fictitious display of license plates. Section 49 -456(2), Idaho Code, (Fixed penalty \$58.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$100.00
- (18) Lending or permitting another to use registration or license plate. Section 49 -456(3), Idaho Code. (Fixed penalty \$58.50, court costs \$16.50, county justice fund \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$100.00
- (19) Failing to surrender registration and license plate upon revocation or suspension. Section 49 -456(4), Idaho Code. (Fixed penalty \$ 44.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$86.00
- (20) Use of false or fictitious name in application for registration or concealing material facts. Section 49 -456(5), Idaho Code. (Fixed penalty \$100.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$141.50
- (21) Failure to redeem an abandoned vehicle. Section 49 -1802, Idaho Code. (Fixed penalty \$10.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, ISTARS technology fund fee \$ 10.00, abandoned vehicle fee \$150.00). \$202.00

- (22) Non-moving traffic infractions. (Fixed penalty \$10.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$52.00
- (23) Special parking infractions. Recreational parking. Section 67 -7115, Idaho Code, and illegal parking in state park, Section 67 -4237 Idaho Code, (Fixed penalty \$25.00, court costs \$16.50, county justice fund fee \$5.00, and ISTARS technology fund fee \$10.00 --No peace officers training fee). \$56.50
- (24) Disability parking violations. Unauthorized disability parking, Section 49 -213, Idaho Code, and unauthorized use of disability plate or placard, Section 49 -410, Idaho Code. (Fixed penalty \$100.00, court costs \$ 16.50, county justice fund fee \$5.00, and ISTARS technology fund fee \$ 10.00 --No peace officers training fee). \$131.50
- (25) Other parking infractions and failure to pay parking infractions unless otherwise provided by statute or ordinance. (Fixed penalty \$5.00, court costs \$16.50, county justice fund fee \$5.00, and ISTARS technology fund fee \$10.00 --No peace officers training fee). \$36.50
- (26) Operating a motor vehicle without insurance. Sections 49 -1229 and 49 -1428, Idaho Code and failure to have certificate of insurance, Section 49 -1232, Idaho Code, (First offense only, second or subsequent offense is a misdemeanor. (Fixed penalty \$75.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$116.50
- (27) Trucking overweight. Section 49 -438, Idaho Code, and Sections 49 -1001, 49-1002, 49 -1004, 49-1005, Idaho Code.
- 1 -1000 pounds overweight (Fixed penalty \$5.00, court costs \$16.50, county justice fund \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00.) \$46.50
- 1001 -2000 pounds overweight (Fixed penalty \$15.00, court costs \$16.50, county justice fund \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00.) \$56.50
- 2001 -4000 pounds overweight (Fixed penalty \$25.00, court costs \$16.50, county justice fund \$5.00, peace officer's training fee \$10.00, and ISTARS technology fund fee \$10.00.) \$66.50
- For multiple infractions see I.C. § 49 -1013(4).
- (28) Fish and game violations made infractions by Section 36 -1401, Idaho Code. (Fixed penalty \$15.50, court costs \$16.50, \$57.00

- county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00).
- (29) All -terrain vehicle and snowmobile infractions. Driving on highway. Section 67 -7109, Idaho Code (Fixed penalty \$100.00, court costs \$ 16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$141.50
- (30) Parks and recreation violations made infractions by Section 67 -4223, Idaho Code. (Fixed penalty \$15.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$57.00
- (31) All other all -terrain vehicle and snowmobile infractions. Sections 67 -7102 through 67 -7112, 67 -7122, 67 -7125, Idaho Code. (Fixed penalty \$25.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$66.50
- (32) Renting a watercraft without safety devices and safety decal. Section 67 -7078 (Fixed penalty \$25.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$66.50
- (33) Failure to carry life preservers in watercraft. (IDAPA 26.66 Parks and Recreation) Sections 67 -7002 and 67 -7015, Idaho Code. (Fixed penalty \$42.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$ 84.00
- (34) Improper waterskiing. Section 67 -7024, Idaho Code. (Fixed penalty \$42.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$ 84.00
- (35) Permitting smoking in public building or office. Section 39 -5506, Idaho Code. (Fixed penalty \$67.50, court costs \$16.50, county justice fund fee \$5.00, peace officer training fee \$10.00, and ISTARS technology fund fee \$10.00). \$109.00
- (36) Refusing to extinguish tobacco product in public building or office. Section 39 -5507, Idaho Code. (Fixed penalty \$17.50, court costs \$ 16.50, county justice fund fee \$5.00, peace officer training fee \$10.00, and ISTARS technology fund fee \$10.00). \$59.00
- (37) Other infractions. (Fixed penalty \$15.50, court costs \$ 16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$57.00



**(b) Fixed Penalty and Costs for Infraction.** The entry of a judgment for an infraction under this rule shall order the defendant to pay a dollar amount for a fixed penalty and court costs in the following amounts:

| INFRACTION OFFENSE   | TOTAL AMOUNT<br>(Fixed Penalty Plus<br>Court Costs) |
|--|---|
| (1) (a) Failure to fasten safety restraint, operator/occupant age 18 or older, Section 49 -673(3), Idaho Code. (Fixed penalty \$10.00, \$5.00 of which is to be sent to State's Catastrophic Health Care fund).  | \$10.00   |
| b) Failure to fasten safety restraint, operator 18 years or older with occupant(s) under 18 years of age failing to wear safety restraint. Section 49 -673(3), Idaho Code. (Fixed penalty \$10.00, \$5.00 of which is to be sent to State's Catastrophic Health Care fund).  | \$10.00   |
| (c) Failure to fasten safety restraint, operator under 18 years of age or operator under 18 who has occupant(s) under 18 years of age failing to wear safety restraint -single citation only, Section 49 -673(4), Idaho Code. (Fixed penalty \$10.00, \$5.00 of which is to be sent to State's Catastrophic Health Care Fund, court Costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology Fund fee \$10.00). | \$51.50   |
| (2) Failure to restrain child in car safety seat. Section 49 -672, Idaho Code. (Fixed penalty \$27.50, court costs \$16.50, I.C., § 31 -3201A(c), county justice fund fee \$5.00 I.C. § 31 -3201(3), and, peace officers training fee \$ 10.00 I.C. § 31 -3201B, and ISTARS technology fund fee \$10.00 I.C. § 31 -3201(5)).   | \$69.00   |
| (3) Pedestrian and bicycle infractions. (Fixed penalty \$5.00, court costs \$16.50 county justice fund fee \$5.00, peace officers training fee \$ 10.00, and ISTARS technology fund fee \$10.00).  | \$46.50   |
| (4) Speeding traffic infractions.  |   |
| (a) 1 to 15 miles per hour above speed Limit. (Fixed penalty \$33.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00).   | \$75.00   |
| (b) 16 or more miles per hour above speed limit. (Fixed penalty \$98.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training  | \$140.00  |

- fee \$10.00, and ISTARS technology fund fee \$10.00).
- (5) Other moving traffic infractions. (Fixed penalty \$33.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$ 10.00, and ISTARS technology fund fee \$10.00). \$75.00
- (6) Speeding in a construction zone. I.C. § 49 -657 (Fixed penalty \$50.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$91.50
- (7) Speeding in a school zone. I.C. § 49 -658 (Fixed penalty \$ 100.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS Technology fund fee \$10.00). \$ 141.50
- (8) Permitting unauthorized child under age 18 to operate vehicle. Section 49 -333(1), Idaho Code. (Fixed penalty \$54.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$96.00
- (9) Permitting any unauthorized person to operate vehicle. Section 49 -333(2), Idaho Code. (Fixed penalty \$54.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). 96.00
- (10) Renting vehicle to unauthorized driver or failing to inspect license. Section 49 -334, Idaho Code. (Fixed penalty \$54.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10. 00, and ISTARS technology fund fee \$10.00). \$96.00
- (11) Expired license. Section 49 -319, Idaho Code. (Fixed penalty \$44.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$ 86.00
- (12) Violating restricted license. Section 49 -317, Idaho Code. (Fixed penalty \$44.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$86.00
- 13) Operating vehicle under out of state license while suspended. Section 49 -329, Idaho Code. (Fixed penalty \$100.00, court costs \$ 16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$141.50
- (14) Failure to carry registration in vehicle (dismissed if registration is shown). Section 49 -427, Idaho Code. (Fixed penalty \$10.50, court costs \$16.50, county justice fund \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$ 52.00

- |      |   |          |
|------|---|----------|
| (15) | Failure to display license plate. Section 49 -428, Idaho Code. (Fixed penalty \$10.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00).   | \$52.00  |
| (16) | Operating vehicle without registration. Section 49 -456(1), Idaho Code. (Fixed penalty \$44.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00).  | \$86.00  |
| (17) | Fictitious display of license plates. Section 49 -456(2), Idaho Code, (Fixed penalty \$58.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00).  | \$100.00 |
| (18) | Lending or permitting another to use registration or license plate. Section 49 -456(3), Idaho Code. (Fixed penalty \$58.50, court costs \$16.50, county justice fund \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00).  | \$100.00 |
| (19) | Failing to surrender registration and license plate upon revocation or suspension. Section 49 -456(4), Idaho Code. (Fixed penalty \$ 44.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00).                          | \$86.00  |
| (20) | Use of false or fictitious name in application for registration or concealing material facts. Section 49 -456(5), Idaho Code. (Fixed penalty \$100.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00).               | \$141.50 |
| (21) | Failure to redeem an abandoned vehicle. Section 49 -1802, Idaho Code. (Fixed penalty \$10.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, ISTARS technology fund fee \$ 10.00, abandoned vehicle fee \$150.00).   | \$202.00 |
| (22) | Non -moving traffic infractions. (Fixed penalty \$10.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00).   | \$52.00  |
| (23) | Special parking infractions. Recreational parking. Section 67 -7115, Idaho Code, and illegal parking in state park, Section 67 -4237 Idaho Code, (Fixed penalty \$25.00, court costs \$16.50, county justice fund fee \$5.00, and ISTARS technology fund fee \$10.00 --No peace officers training fee). | \$56.50  |
| (24) | Disability parking violations. Unauthorized disability parking, Section 49 -213, Idaho  | \$131.50 |

- Code, and unauthorized use of disability plate or placard, Section 49 -410, Idaho Code. (Fixed penalty \$100.00, court costs \$ 16.50, county justice fund fee \$5.00, and ISTARS technology fund fee \$ 10.00 --No peace officers training fee).
- (25) Other parking infractions and failure to pay parking infractions unless otherwise provided by statute or ordinance. (Fixed penalty \$5.00, court costs \$16.50, county justice fund fee \$5.00, and ISTARS technology fund fee \$10.00 --No peace officers training fee). \$36.50
- (26) Operating a motor vehicle without insurance. Sections 49 -1229 and 49 -1428, Idaho Code and failure to have certificate of insurance, Section 49 -1232, Idaho Code, (First offense only, second or subsequent offense is a misdemeanor. (Fixed penalty \$75.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00)). \$116.50
- (27) Trucking overweight. Section 49 -438, Idaho Code, and Sections 49 -1001, 49 -1002, 49 -1004, 49 -1005, Idaho Code.
- 1 -1000 pounds overweight (Fixed penalty \$5.00, court costs \$16.50, county justice fund \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00.) \$46.50
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- For multiple infractions see I.C. § 49 -1013(4).
- (28) Fish and game violations made infractions by Section 36 -1401, Idaho Code. (Fixed penalty \$15.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$57.00
- (29) All -terrain vehicle and snowmobile infractions. Driving on highway. Section 67 -7109, Idaho Code (Fixed penalty \$100.00, court costs \$ 16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$141.50
- (30) Parks and recreation violations made infractions by Section 67 -4223, Idaho Code. (Fixed penalty \$15.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and

- (31) ISTARS technology fund fee \$10.00).  
All other all -terrain vehicle and snowmobile infractions. Sections 67 -7102 through 67 -7112, 67-7122, 67-7125, Idaho Code. (Fixed penalty \$25.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$66.50
- (32) Renting a watercraft without safety devices and safety decal. Section 67 -7078 (Fixed penalty \$25.00, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$66.50
- (33) Failure to carry life preservers in watercraft. (IDAPA 26.66 Parks and Recreation) Sections 67 -7002 and 67 -7015, Idaho Code. (Fixed penalty \$42.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$ 84.00
- (34) Improper waterskiing. Section 67 -7024, Idaho Code. (Fixed penalty \$42.50, court costs \$16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$ 84.00
- (35) Permitting smoking in public building or office. Section 39 -5506, Idaho Code. (Fixed penalty \$67.50, court costs \$16.50, county justice fund fee \$5.00, peace officer training fee \$10.00, and ISTARS technology fund fee \$10.00). \$109.00
- (36) Refusing to extinguish tobacco product in public building or office. Section 39 -5507, Idaho Code. (Fixed penalty \$17.50, court costs \$ 16.50, county justice fund fee \$5.00, peace officer training fee \$10.00, and ISTARS technology fund fee \$10.00). \$59.00
- (37) Other infractions. (Fixed penalty \$15.50, court costs \$ 16.50, county justice fund fee \$5.00, peace officers training fee \$10.00, and ISTARS technology fund fee \$10.00). \$57.00

**(c) Consolidation of Multiple Offenses in Assessing Court Costs.** The court may consolidate multiple non-moving or parking infractions into one offense for the purpose of assessing court costs under I.C. § 31-3201A(c), together with the fixed penalty portion of the penalty for each infraction.

**(d) Withheld Judgments or Suspended Penalties Prohibited.** No court shall have the power to withhold judgment nor to suspend any part of a judgment for a fixed penalty and costs prescribed under this rule.

**(e) Deferred Payment Agreement.** After the entry of a judgment for an infraction, the court, or the clerk within the guidelines set by the court, may enter into an agreement with the defendant for the deferred payment of the fixed penalty plus court costs. Such agreement shall be signed by the



# Idaho Statutes

TITLE 49  
MOTOR VEHICLES

CHAPTER 15  
TRAFFIC INFRACTIONS

9-1503. PENALTIES FOR VIOLATIONS OF STATUTES AND ORDINANCES. (1) No local authority may, by ordinance, regulation or otherwise make any act a misdemeanor which, but for that ordinance or regulation, would constitute an infraction under any provision of this chapter and all such acts made a misdemeanor or for which a misdemeanor penalty has been established by any local authority through ordinance, regulation or otherwise are hereby declared to be infractions as defined in section 49-110, Idaho Code.

(2) The penalty for an infraction citation and the judgment entered for the commission of an infraction shall be the amount set for that infraction in the payment schedule to be adopted by supreme court order and published annually by the administrative director of the courts.

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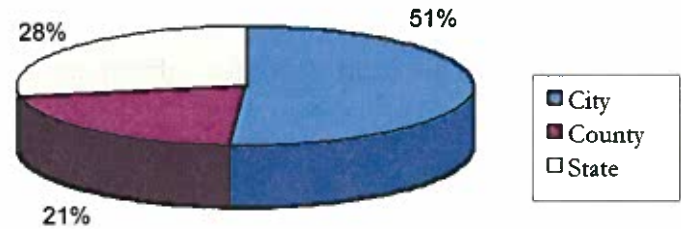
*The Idaho Code is the property of the state of Idaho, and is copyrighted by Idaho law, I.C. § 9-350. According to Idaho law, any person who reproduces or distributes the Idaho Code for commercial purposes in violation of the provisions of this statute shall be deemed to be an infringer of the state of Idaho's copyright.*

## Infractions by Citing Agency: CY2008

**Total Infractions by Agency Type**

|               | Total Infractions |
|---------------|-------------------|
| City          | 139,777           |
| County        | 58,237            |
| State         | 75,918            |
| <b>Totals</b> | <b>273,932</b>    |

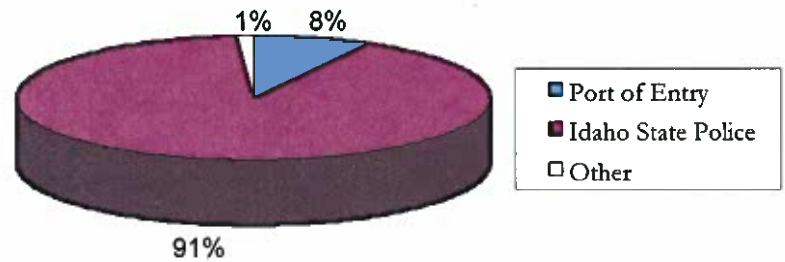
**Percent of Total Infractions by Agency Type**



**Total Infractions by State Agencies**

|                    | Total Infractions |
|--------------------|-------------------|
| Port of Entry      | 6,111             |
| Idaho State Police | 69,133            |
| Other              | 665               |
| <b>Totals</b>      | <b>75,918</b>     |

**Percent of Infractions by State Agency**



**Total Citations Issued by Idaho State Police**

|               | Total Citations |
|---------------|-----------------|
| Infractions   | 69,133          |
| Misdemeanor   | 14,197          |
| Felony        | 177             |
| <b>Totals</b> | <b>80,045</b>   |



**IDAHO SUPREME COURT**  
**2009 PRIORITY OF PAYMENTS TO BE ORDERED AT SENTENCING**

1. \$17.50 court costs for felonies and misdemeanors (\$12.50 distributed 86% to general fund and 14% to P.O.S.T. Fund, and \$5.00 to district court fund; if magistrate court facilities are provided by the city, then \$10.00 distributed 86% to general fund and 14% to P.O.S.T. Fund, \$5.00 to city general fund and \$2.50 to city capital facilities fund) (I.C. § 31-3201A(b)).

\$16.50 court costs for infractions (\$11.50 distributed 86% to general fund and 14% to P.O.S.T. Fund, and \$5.00 to district court fund; if magistrate court facilities are provided by the city, then \$9.00 distributed 86% to general fund and 14% to P.O.S.T. Fund, \$5.00 to city general fund and \$2.50 to city capital facilities fund) (I.C. § 31-3201A(c)).

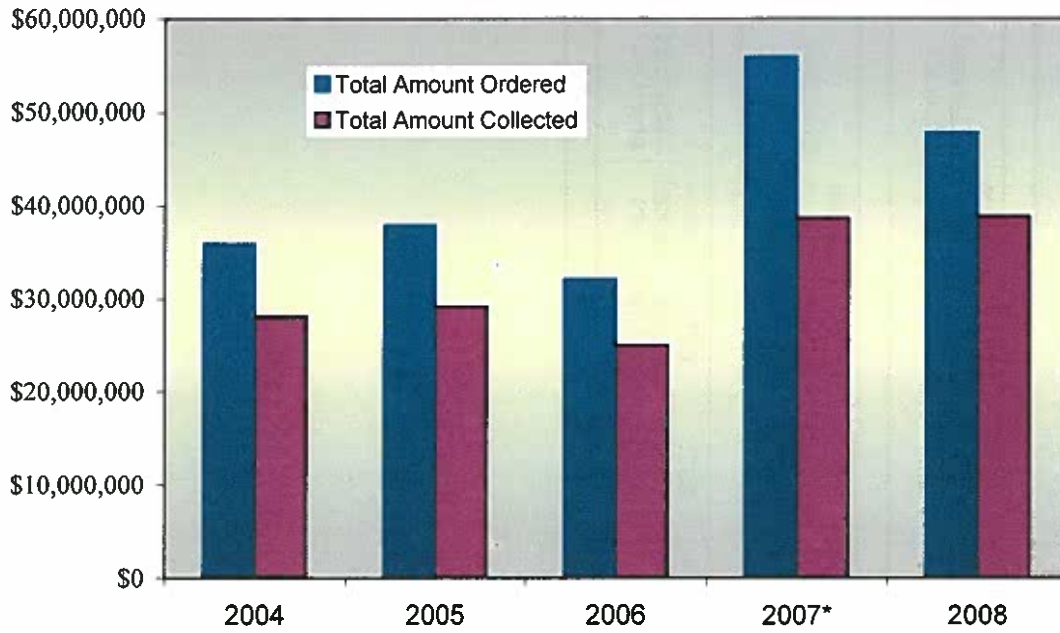
2. Victims' Compensation Account (I.C. § 72-1025): Unless the court makes a finding of inability to pay, \$37.00 fine or reimbursement for each misdemeanor count; \$75.00 fine or reimbursement for each felony count. In addition to the \$37.00 misdemeanor and \$75.00 felony fine or reimbursement, there is a fine or reimbursement of not less than \$300.00 per count for any conviction or finding of guilt for any sex offense, including, but not limited to, offenses under I.C. §§ 18-1506, 18-1507, 18-1508, 18-1508A, 18-6101, 18-6108, 18-6605, and 18-6608.
3. Peace Officer and Detention Officer Temporary Disability Fund (I.C. § 72-1105): Unless the court makes a finding of inability to pay, \$3.00 fine for each felony or misdemeanor count.
4. State probation or parole supervision fee (I.C. § 20-225) or work release reimbursement to county jails (I.C. § 20-614).
5. Restitution to crime victim. (I.C. § 19-5302)
6. \$10.00 ISTARs technology fee. (I.C. § 31-3201(5))
7. Community service fee (I.C. § 31-3201C).
8. County misdemeanor probation supervision fee. (I.C. § 31-3201D)
9. \$10.00 P.O.S.T. Academy fee. (I.C. § 31-3201B)
10. Domestic Violence Court fee. For persons who are found guilty of the offenses specified in I.C. § 32-1410, a \$30.00 fee to be deposited in the Statewide Drug Court, Mental Health Court and Family Court Services Fund.
11. Statutory reimbursement of public defender costs. (I.C. § 19-854(c))

12. Costs of prosecution ordered as condition of probation. (I.C. § 19-2601)
13. \$10.00 domestic violence fine. For persons who violate a domestic violence protective order (a misdemeanor), the first \$10.00 of the criminal fine is to be distributed to the domestic violence project account (I.C. § 39-5212), as provided in I.C. § 39-6312.
14. Criminal fine.
15. \$10.00 Drug Hotline Fee. For persons who violate the provisions of title 37, chapter 27, a \$10.00 fine to be deposited in the Drug Enforcement Donation Fund (I.C. § 57-816), as provided in I.C. § 37-2735A.
16. Additional \$7.50 fine for fish and game violations (I.C. § 36-1405), to be deposited to the search and rescue account (I.C. § 67-2913).
17. \$10.00 county administrative surcharge fee on each criminal case, \$5.00 on each infraction, for deposit to the county justice fund (I.C. § 31-4602), or to county current expense fund where no county justice fund has been established. (I.C. § 31-3201)
18. \$15.00 surcharge on DUI and DWP convictions or withheld judgments, for deposit in the court interlock device and electronic monitoring device fund. (I.C. § 18-8010)
19. For convictions or withheld judgments for violations of title 37, chapter 27, or for racketeering (I.C. § 18-7804) or money laundering (I.C. § 18-8201), restitution pursuant to court order for law enforcement costs incurred. (I.C. § 37-2732(k))
20. Restitution of no less than \$50.00 for the repair or replacement of simulated wildlife, to be paid by persons pleading or found guilty of attempting to take simulated wildlife. (I.C. § 36-1101(b)(7))
21. \$150.00 Abandoned Vehicle Fee for infractions in violation of I.C. § 49-1802, to be transmitted to the Abandoned Vehicle Trust Account created by I.C. § 49-1818. (I.C. § 31-3201F)

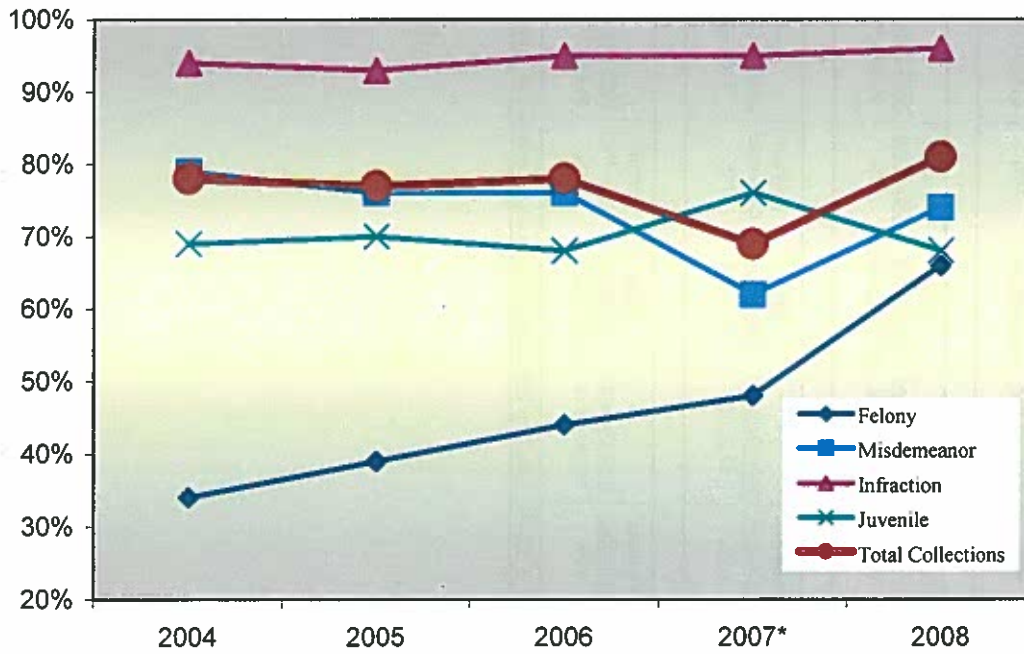
**IDAHO SUPREME COURT  
2009 PRIORITY OF PAYMENTS TO BE ORDERED AT SENTENCING IN  
JUVENILE CORRECTIONS ACT CASES**

1. Victim restitution (I.C. § 20-520(3))
2. Community service fee (I.C. § 20-520(1)(q))
3. County juvenile probation supervision fee
4. Reimbursement of public defender costs
5. Detention costs (I.C. § 20-524(2))
6. Detention/Probation Training Academy fee (I.C. § 20-520(1)(p))
7. Costs of support and treatment of juvenile (I.C. § 20-524(1))
8. Probationary contract violation assessment (I.C. § 20-522)
9. Any other fees ordered by the court to be prioritized at the discretion of the court

**Statewide Criminal and Juvenile Total Amounts Ordered vs. Collected  
(2004-2008)**



**Statewide Criminal and Juvenile Percent Collected  
(2004-2008)**



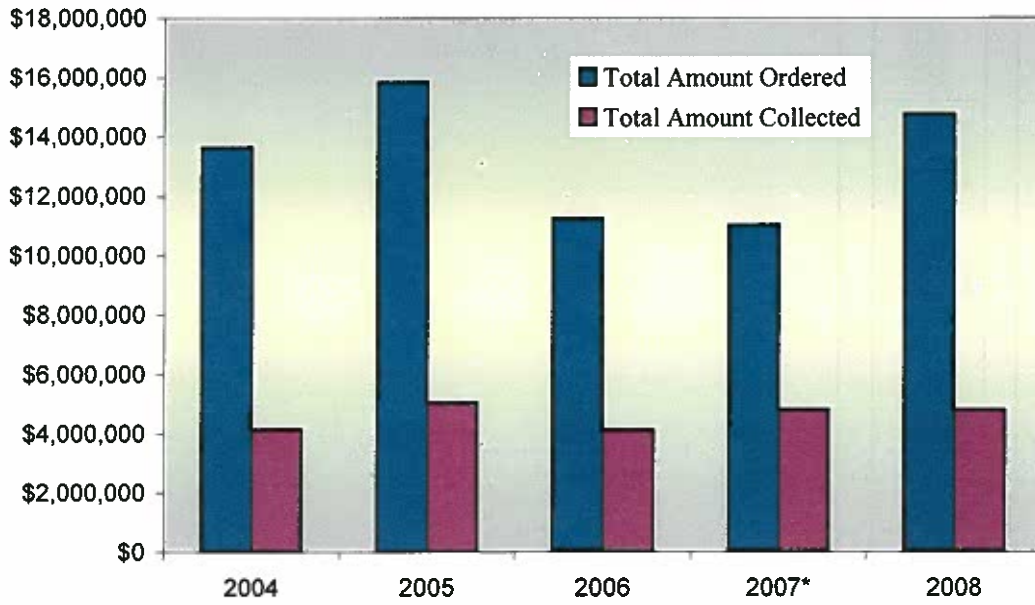
\* Perhaps due to a county conversion to ISTARs, Fiscal Year 2007 collection figures were inconsistent with previous years collection reports.

Statewide Criminal and Juvenile Collections Summary (2004-2008)

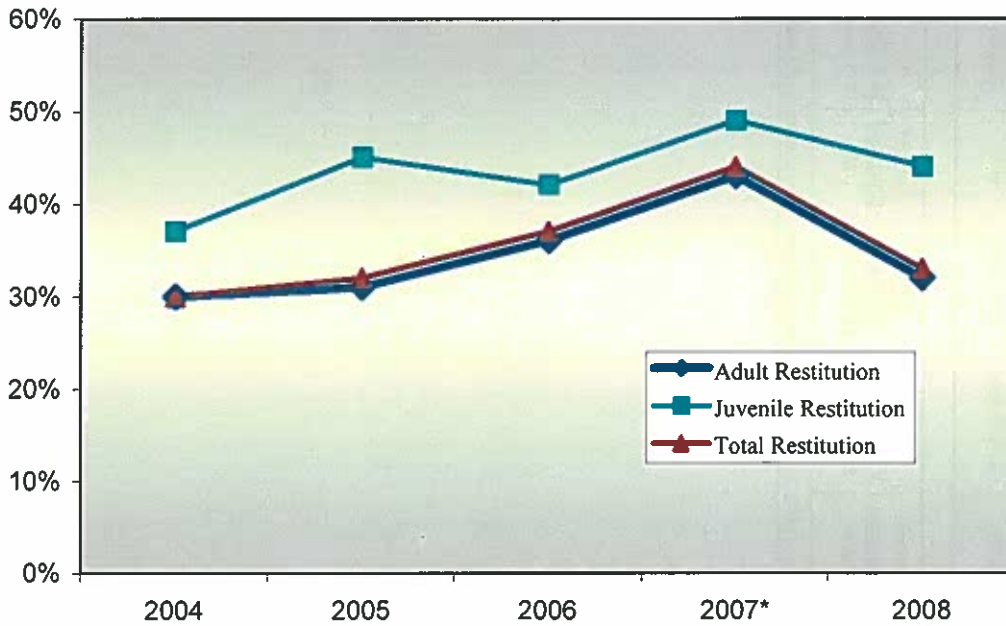
| FELONY                   |  | 2004<br>Collected | Percent<br>Collected | 2005<br>Ordered | 2005<br>Collected | Percent<br>Collected | 2006<br>Ordered | 2006<br>Collected | Percent<br>Collected | 2007*<br>Ordered | 2007*<br>Collected | Percent<br>Collected | 2008<br>Ordered | 2008<br>Collected | Percent<br>Collected |
|--------------------------|--|-------------------|----------------------|-----------------|-------------------|----------------------|-----------------|-------------------|----------------------|------------------|--------------------|----------------------|-----------------|-------------------|----------------------|
| FELONY                   |  | \$4,423,187       | 34%                  | \$4,489,000     | \$1,760,877       | 39%                  | \$3,600,312     | \$1,569,815       | 44%                  | \$7,119,449      | \$3,410,495        | 48%                  | \$3,946,080     | \$2,624,047       | 66%                  |
| MISDEMEANOR              |  | \$18,723,235      | 79%                  | \$20,857,610    | \$15,942,201      | 76%                  | \$18,146,401    | \$13,764,951      | 76%                  | \$32,904,076     | \$20,301,789       | 82%                  | \$28,503,381    | \$19,987,752      | 74%                  |
| INFRACTION               |  | \$11,508,138      | 84%                  | \$12,102,646    | \$11,242,162      | 93%                  | \$9,949,861     | \$9,406,376       | 95%                  | \$15,464,312     | \$14,695,291       | 96%                  | \$16,982,918    | \$16,266,566      | 96%                  |
| JUVENILE                 |  | \$250,411         | 68%                  | \$329,559       | \$229,521         | 70%                  | \$364,908       | \$248,419         | 68%                  | \$365,961        | \$253,545          | 76%                  | \$393,155       | \$286,892         | 68%                  |
| <b>TOTAL COLLECTIONS</b> |  |                   |                      |                 |                   |                      |                 |                   |                      |                  |                    |                      |                 |                   |                      |
| TOTAL COLLECTIONS        |  | \$35,904,981      | 78%                  | \$37,868,815    | \$29,174,760      | 77%                  | \$32,063,182    | \$24,988,560      | 78%                  | \$65,893,798     | \$38,661,120       | 68%                  | \$47,825,812    | \$36,846,227      | 81%                  |

\* Perhaps due to a county conversion to ISTARIS, Fiscal Year 2007 collection figures were inconsistent with previous years collection reports.

**Statewide Restitution Total Amounts Ordered vs. Collected  
(2004-2008)**



**Statewide Restitution Percent Collected  
(2004-2008)**



\* Perhaps due to a county conversion to ISTARs, Fiscal Year 2007 collection figures were inconsistent with previous years collection reports.

Statewide Restitution Collections Summary (2004-2008)

| ADULT RESTITUTION    |                | 2004              | 2005         | 2006           | 2007              | 2008         | 2009           | Percent Collected |
|----------------------|----------------|-------------------|--------------|----------------|-------------------|--------------|----------------|-------------------|
| 2004 Ordered         | 2004 Collected | Percent Collected | 2005 Ordered | 2005 Collected | Percent Collected | 2006 Ordered | 2006 Collected | Percent Collected |
| \$12,646,457         | \$3,767,340    | 30%               | \$14,605,782 | \$4,452,981    | 31%               | \$10,174,561 | \$3,674,380    | 36%               |
|                      |                |                   |              |                |                   | \$10,127,799 | \$4,366,417    | 43%               |
|                      |                |                   |              |                |                   | \$13,811,762 | \$4,388,587    | 32%               |
| JUVENILE RESTITUTION |                | 2004              | 2005         | 2006           | 2007              | 2008         | 2009           | Percent Collected |
| 2004 Ordered         | 2004 Collected | Percent Collected | 2005 Ordered | 2005 Collected | Percent Collected | 2006 Ordered | 2006 Collected | Percent Collected |
| \$1,006,727          | \$375,008      | 37%               | \$1,328,288  | \$601,498      | 45%               | \$1,068,012  | \$450,018      | 42%               |
|                      |                |                   |              |                |                   | \$907,072    | \$446,789      | 49%               |
|                      |                |                   |              |                |                   | \$946,304    | \$412,701      | 44%               |
| TOTAL RESTITUTION    |                | 2004              | 2005         | 2006           | 2007              | 2008         | 2009           | Percent Collected |
| 2004 Ordered         | 2004 Collected | Percent Collected | 2005 Ordered | 2005 Collected | Percent Collected | 2006 Ordered | 2006 Collected | Percent Collected |
| \$13,653,184         | \$4,142,348    | 30%               | \$18,934,080 | \$5,054,479    | 32%               | \$11,242,573 | \$4,124,408    | 37%               |
|                      |                |                   |              |                |                   | \$11,034,871 | \$4,816,206    | 44%               |
|                      |                |                   |              |                |                   | \$14,759,066 | \$4,799,288    | 33%               |

\* Perhaps due to a county conversion to ISTARs, Fiscal Year 2007 collection figures were inconsistent with previous years collection reports.



## APPENDIX "A"

### FILING FEE SCHEDULE - DISTRICT COURT AND MAGISTRATE DIVISION DISTRICT COURT FILING FEES

#### COMMENCING A CIVIL ACTION

A civil action is commenced by filing a complaint, petition, application, or other document that begins a new civil lawsuit. A civil action is commenced if the clerk opens a new case file rather than filing the document in an existing case file. Whether a filing fee is charged does not depend upon the title or name of the document filed, but upon whether it commences a new case.

In a civil lawsuit, a party usually seeks to obtain an order or judgment from the court against another party. However, there are some times when a clerk will have to file a document, such as registering a trust, when it will not commence a lawsuit. In such instances, no filing fee will be charged.

Only one filing fee is charged even if the complaint, petition, or application includes two or more separate claims for relief. If the claims would have differing filing fees if they were filed as separate actions, then the appropriate fee is whichever is higher; for example, if one action was filed to have a marriage annulled or, if that were denied, to obtain a divorce, the appropriate filing fee would be the fee for filing a divorce action because it is higher than the filing fee for an annulment. Likewise, if one action was filed to compromise a minor's claim and to appoint a conservator, the appropriate filing fee would be for the appointment of a conservator.

The fee for opening any civil case not found on this schedule is \$88.00.

#### APPEARING IN A CIVIL ACTION (Category I)

An appearance is the first document filed by a party (other than the plaintiff or petitioner) in an existing civil action, regardless of whether it is filed *pro se* or through counsel and regardless of the title of the document (e.g., "notice of appearance," "answer," "motion," or other title).

If a party acting *pro se* has already filed an appearance in an action and then an attorney later files a "notice of appearance" to appear on behalf of that party, the attorney's "notice of appearance" does not constitute an appearance for the purpose of assessing a filing fee because the party has already appeared in the action *pro se*.

| Fee Category   | Idaho Code Fund | Judges Retire. Fund | County Facility Fund | State | State/Guardship Project Fund | County Dist. Ct. Fund | ISTARS Tech. Fund | Senior Mag. Judges Fund | Total  |
|--|-----------------|---------------------|----------------------|-------|------------------------------|-----------------------|-------------------|-------------------------|--------|
| A. All initial civil case filings of any type not listed in categories B-H, including:<br>1. Adoptions<br>2. Adoption and Termination of parental rights<br>3. Termination of parental rights<br>4. Personal injury<br>5. Petition for formal probate<br>6. Application for informal probate<br>7. Name change<br>8. Permission to marry<br>9. Child Support (unless filed by DHW)<br>10. Habeas by prisoners<br>11. Paternity action<br>12. Unlawful detainer | 10.00           | 18.00               | 10.00                | 17.00 |                              | 17.00                 | 10.00             | 6.00                    | 88.00  |
| B. 1. Divorce<br>State portion includes additional \$20 displaced homemaker fund and additional \$20 domestic violence fund district court fund includes \$5.00 taken from the State General Fund fee, which shall be separately identified and deposited in the District Court Fund, for establishing a uniform system of qualifying counselors in domestic violence cases. I.C. § 31-3201A(q)  | 10.00           | 18.00               | 10.00                | 52.00 |                              | 23.00                 | 10.00             | 6.00                    | 129.00 |
| 2. Motion to reopen or modify divorce  | 10.00           | 18.00               | 10.00                | 15.00 |                              | 17.00                 |                   | 6.00                    | 76.00  |
| 3. Amended complaint to convert an action that was not one for divorce (e.g. separate maintenance) into an action for divorce (\$1.00 for court clerk fees I.C. § 39-266 & \$20 for the displaced homemaker account I.C. § 39-5009 & \$20 domestic violence project, I.C. § 39-5213)   |                 |                     |                      | 41.00 |                              |                       |                   |                         | 41.00  |
| C. Small claims  |                 | 18.00               | 10.00                |       |                              | 7.00                  |                   | 6.00                    | 41.00  |
| D. Summary administration of small estates   |                 |                     | 10.00                | 17.00 |                              | 17.00                 | 10.00             | 6.00                    | 60.00  |
| E. Petition for release from common law lien   |                 |                     |                      |       |                              | 35.00                 |                   |                         | 35.00  |
| F. Petition for entry of judgment on worker's comp award   | 10.00           | 18.00               | 10.00                |       |                              | 9.00                  |                   | 6.00                    | 53.00  |
| G. 1. Guardianships<br>a. Initial Petition motion or appearance by any person on behalf of a minor.<br>b. Initial Petition motion or appearance by any person on behalf of an incapacitated person.  | 10.00           | 18.00               | 10.00                | 17.00 | 50.00                        | 17.00                 | 10.00             | 6.00                    | 138.00 |

|  |       |       |       |       |       |       |       |      |        |
|--|-------|-------|-------|-------|-------|-------|-------|------|--------|
| 2. Conservatorship<br>a. Initial Petition motion or appearance by any person on behalf of a minor.<br>b. Initial Petition motion or appearance by any person on behalf of an incapacitated person.   | 10.00 | 18.00 | 10.00 | 17.00 | 50.00 | 17.00 | 10.00 | 6.00 | 138.00 |
| 3. Joint petition for guardianship/conservatorship or joint petition for receipt and acceptance of foreign guardianship<br>a. where same party is guardian and conservator of a minor person<br>b. where same party is guardian and conservator of incapacitated person  | 10.00 | 18.00 | 10.00 | 17.00 | 50.00 | 17.00 | 10.00 | 6.00 | 138.00 |
| c. where different parties are petitioners for guardian and conservator of a minor<br>d. where different parties are petitioners for guardian and conservator of incapacitated person<br>(considered two filings)  | 20.00 | 36.00 | 20.00 | 17.00 | 50.00 | 17.00 | 10.00 | 6.00 | 176.00 |
| 4. Status reports guardianship   |       |       |       |       | 25.00 |       |       |      | 25.00  |
| 5. Intermediate or final account of conservator  |       |       |       |       | 41.00 | 9.00  |       |      | 50.00  |
| 6. Petition for distribution of estate in conservatorship  |       |       |       | 13.00 | 41.00 | 6.00  |       | 6.00 | 66.00  |
| 7. Inventories by conservator  |       |       |       |       | 41.00 |       |       |      | 41.00  |
| H. Case filings with no fee<br>1. Cases brought under Ch. 3, Title 66, I.C. for commitment of mentally ill persons<br>2. Child Protective cases<br>3. Demand for bond before personal representative is appointed in probate<br>4. Petition for sterilization<br>5. Judicial consent for abortion petitions<br>6. Registration of trusts and renunciations<br>7. Petition to compromise minor's claim<br>8. Petition for civil protection order or to enforce foreign CPO pursuant to Ch. 63, Title 39, I.C. pleadings<br>9. Proceedings to suspend a license for non-payment of child support<br>10. Post-conviction act proceedings<br>11. Stipulation for entry of judgment<br>12. Filing of a custody decree from another state<br>13. BAC license suspension<br>14. Child support proceedings filed by DHW<br>15. Fugitive warrants |       |       |       |       |       |       |       |      | No fee |

|  |       |       |       |       |  |       |       |      |        |
|--|-------|-------|-------|-------|--|-------|-------|------|--------|
| <b>I. The fees set out in Category I apply to the first document filed by a party other than the plaintiff or petitioner no matter what the document is entitled</b>                         |       |       |       |       |  |       |       |      |        |
| 1. Initial Appearance by persons other than the plaintiff or petitioner  | 10.00 | 18.00 |       | 10.00 |  | 4.00  | 10.00 | 6.00 | 58.00  |
| 2. Small Claims  |       |       |       |       |  |       |       |      | No fee |
| 3. Stipulation for entry of judgment   |       |       |       |       |  |       |       |      | No fee |
| 4. Any objection or motion filed in a guardianship or conservatorship by the minor or alleged incapacitated person   |       |       |       |       |  |       |       |      | No fee |
| 5. Appearing after judgment when the party has not previously appeared   | 10.00 | 18.00 | 10.00 |       |  | 9.00  | 10.00 | 6.00 | 63.00  |
| <b>J. Additional filings in probate and trusts: the following fees shall be collected from any person filing the following documents, whether or not the person has appeared previously:</b> |       |       |       |       |  |       |       |      |        |
| <b>I. Probate</b>  |       |       |       |       |  |       |       |      |        |
| a. petition for distribution of estate   |       |       |       | 13.00 |  | 6.00  |       | 6.00 | 25.00  |
| b. demand for notice   |       |       |       |       |  | 9.00  |       |      | 9.00   |
| c. demand for bond after appointment of personal representative  |       |       |       |       |  | 9.00  |       |      | 9.00   |
| d. intermediate or final accounting of personal rep  |       |       |       |       |  | 9.00  |       |      | 9.00   |
| e. petition for approval of compromise   |       |       |       | 10.00 |  | 4.00  |       |      | 14.00  |
| f. filing of copy of appointment of foreign personal representative  |       |       |       | 10.00 |  | 17.00 |       |      | 27.00  |
| <b>2. Trusts and Renunciations</b>   |       |       |       |       |  |       |       |      |        |
| a. intermediate or final accounting of trustee   |       |       |       |       |  | 9.00  |       |      | 9.00   |
| b. petition for final distribution of estate   |       |       |       | 13.00 |  | 6.00  |       | 6.00 | 25.00  |
| <b>K. Special Filings</b>  |       |       |       |       |  |       |       |      |        |
| 1. Order granting change of venue (pay to new county).   |       |       |       |       |  | 9.00  |       |      | 9.00   |
| 2. Petition to reopen a case after no activity for one year  | 10.00 | 18.00 | 10.00 |       |  | 9.00  |       | 6.00 | 53.00  |
| 3. Third party complaint – This fee is in addition to any fee filed as a plaintiff initiating the case or as a defendant appearing in the case   |       |       |       |       |  | 8.00  |       | 6.00 | 14.00  |

|  |                     |       |       |       |  |       |       |      |        |
|--|---------------------|-------|-------|-------|--|-------|-------|------|--------|
| 4. Cross claim (defendant v defendant or plaintiff v. plaintiff) This fee is <i>in addition</i> to any fee filed as a plaintiff to initiate the case or as a defendant appearing in the case   |                     |       |       |       |  | 8.00  |       | 6.00 | 14.00  |
| 5. Counterclaim for divorce when the complaint did not allege a claim for divorce *(\$1.00 for court clerk fees I.C. § 39-266 & \$20 for the displaced homemaker account I.C. § 39-5009 & \$20 domestic violence project, I.C. § 39-5213)  |                     |       |       | 41.00 |  |       |       |      | 41.00  |
| 6. Renewing a judgment   |                     |       |       |       |  | 9.00  |       |      | 9.00   |
| 7. Filing a foreign judgment   |                     |       |       |       |  | 7.00  |       |      | 7.00   |
| L. Appeals   |                     |       |       |       |  |       |       |      |        |
| 1. Small claims Dept to magistrate   | 10.00               | 18.00 | 10.00 |       |  | 9.00  |       | 6.00 | 53.00  |
| 2. Magistrate Division to District court   | 10.00               | 18.00 | 10.00 |       |  | 9.00  |       | 6.00 | 53.00  |
| 3. Appeal or petition for judicial review or cross appeal or cross-petition from commission, board, or body to district court  | 10.00               | 18.00 | 10.00 | 17.00 |  | 17.00 | 10.00 | 6.00 | 88.00  |
| 4. Civil appeal or cross-appeal to Supreme Court (District court fee \$9.00; Supreme Court fee \$86.00. The clerk of the district court shall collect the entire fee and remit the \$86.00 fee to the Supreme Court with a certified copy of the notice of appeal. Rule 23(b), I.A.R.) | \$86.00<br>Sup. Ct. |       |       |       |  | 9.00  |       | 6.00 | 101.00 |

**FILING FEES FOR SELECTED CIVIL COMPLAINTS IN IDAHO  
AND SURROUNDING JURISDICTIONS  
Updated July 2009**

| STATE  | GENERAL CIVIL COMPLAINTS   | SMALL CLAIMS COMPLAINTS   | DIVORCE COMPLAINTS                                 |
|--|--|---|--|
| State District Court -- Idaho  | District Court:<br>\$300 or less \$88<br>\$301 to \$1,000 \$88<br>More than \$1,000 \$88   | (Dollar Limit \$5,000)<br>\$41  | \$129  |
| U.S. District Court -- Idaho   | \$350  | --  | --   |
| Montana  | District Court: \$120  | Justice Court (Dollar Limit \$3,000)<br>\$10<br>Justice Court \$25  | \$200  |
| Nevada<br><br>Varies by county<br>(this is for Clark County)         | District Court: \$250  | Justice Court (Dollar Limit \$5,000)<br>Less than \$1,000 \$ 49<br>\$1,000 to \$2,500 \$ 71<br>\$2,500 to 4,500 \$121<br>\$4,500-\$6,500 \$146<br>\$6,500-\$7,500 \$171<br>\$7,500-\$10,000 \$196 | \$269  |
| Oregon<br><br>Varies by county<br>(this is for the Portland area)    | Circuit Court:<br>Does not exceed \$10,000 \$128<br>Over \$10,000 \$189<br>(Oregon also charges a daily fee for trials and hearings and now motions) | Small Claims Dept of Circuit Court<br>(Dollar Limit \$5,000)<br>\$1,500 or less \$47.50<br>\$1,501 to \$5,000 \$88.50<br><br>Justice Court (Dollar Limit \$750)<br>\$22.50                        | (Varied by Court)<br>Ranged from:<br>\$296 - \$405 |
| Utah   | District Court:<br>\$2,000 or less \$ 75<br>\$2,000 -- 10,000 \$185<br>More than \$10,000 \$360<br>Demand for Jury Trial \$250                       | (Dollar Limit \$10,000)<br>\$2,000 or less \$60<br>\$2,001 - \$7,499 \$100<br>\$7,500 to \$10,000 \$185   | \$310  |
| Washington<br><br>Varies by county<br>(this is for the Spokane area) | Emergency Surcharge: \$20 until 2011<br>Superior Court: \$200<br>- If 6 person jury requested, add \$125<br>- If 12 person jury requested, add \$250 | Small Claims Dept of District Court<br>(Dollar Limit \$4,000)<br><br>\$10 surcharge until 2011<br>\$14- \$29  | \$250  |
| Wyoming<br><br>Varies by county<br>(this is for Johnson County)      | District Court: \$80<br>- If 6 person jury requested, add \$50<br>- If 12 person jury requested, add \$150   | Circuit Court (Dollar Limit \$5,000)<br><br>\$10  | \$80   |