

IN THE SENATE

SENATE BILL NO. 1006, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO COMPENSATION OF VICTIMS OF CRIMES; AMENDING SECTION 19-5307, IDAHO CODE, TO PROVIDE A METHOD BY WHICH CERTAIN FINES MAY BE COLLECTED.

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

SECTION 1. That Section 19-5307, Idaho Code, be, and the same is hereby amended to read as follows:

19-5307. FINES IN CASES OF CRIMES OF VIOLENCE. (1) Irrespective of any penalties set forth under state law, and in addition thereto, the court, at the time of sentencing or such later date as deemed necessary by the court, may impose a fine not to exceed five thousand dollars (\$5,000) against any defendant found guilty of any felony listed in subsection (2) of this section.

The fine shall operate as a civil judgment against the defendant, and shall be entered on behalf of the victim named in the indictment or information, or the family of the victim in cases of homicide or crimes against children, and shall not be subject to any distribution otherwise required in section 19-4705, Idaho Code. The clerk of the district court may collect the fine in the same manner as other fines imposed in criminal cases are collected and shall remit any money collected in payment of the fine to the victim named in the indictment or information or to the family of the victim in a case of homicide or crimes against minor children, provided that none of the provisions of this section shall be construed as modifying the provisions of chapter 6, title 11, Idaho Code, chapter 10, title 55, Idaho Code, or section 72-802, Idaho Code. A fine created under this section shall be a separate written order in addition to any other sentence the court may impose.

The fine contemplated in this section shall be ordered solely as a punitive measure against the defendant, and shall not be based upon any requirement of showing of need by the victim. The fine shall not be used as a substitute for an order of restitution as contemplated in section 19-5304, Idaho Code, nor shall such an order of restitution or order of compensation entered in accordance with section 72-1018, Idaho Code, be offset by the entry of such fine.

A defendant may appeal a fine created under this section in the same manner as any other aspect of a sentence imposed by the court. The imposition of a fine created under this section shall not preclude the victim from seeking any other legal remedy; provided that in any civil action brought by or on behalf of the victim, the defendant shall be entitled to offset the amount of any fine imposed pursuant to this section against any award of punitive damages.

(2) The felonies for which a fine created under this section may be imposed are those described in:

- Section 18-805, Idaho Code (Aggravated arson);
- Section 18-905, Idaho Code (Aggravated assault);
- Section 18-907, Idaho Code (Aggravated battery);

1 Section 18-909, Idaho Code (Assault with intent to commit a serious felony);
2 Section 18-911, Idaho Code (Battery with intent to commit a serious felony);
3 Section 18-913, Idaho Code (Felony administration of drugs);
4 Section 18-1501, Idaho Code (Felony injury to children);
5 Section 18-1506, Idaho Code (Sexual abuse of a child under the age of sixteen);
6 Section 18-1506A, Idaho Code (Ritualized abuse of a child);
7 Section 18-1507, Idaho Code (Sexual exploitation of a child);
8 Section 18-1508, Idaho Code (Lewd conduct with a child under the age of sixteen);
9 Section 18-4001, Idaho Code (Murder);
10 Section 18-4006, Idaho Code (Felony manslaughter);
11 Section 18-4014, Idaho Code (Administering poison with intent to kill);
12 Section 18-4015, Idaho Code (Assault with intent to murder);
13 Section 18-4502, Idaho Code (First degree kidnapping);
14 Section 18-5001, Idaho Code (Mayhem);
15 Section 18-5501, Idaho Code (Poisoning food, medicine or wells);
16 Section 18-6101, Idaho Code (Rape);
17 Section 18-6108, Idaho Code (Male rape);
18 Section 18-6501, Idaho Code (Robbery).