

THE STATE OF IDAHO  
SUPREME COURT



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September 24, 2014

Senator Todd Lakey  
Representative Darrell Bolz  
Chairs, Public Defense Reform Interim Committee

Dear Senator Lakey and Representative Bolz and Committee Members:

At the August 26 meeting of the Committee, requests were made for some additional information. This letter is in response to those requests.

(1) Drug Court, Mental Health Court and Family Court Services Fund

There was a question concerning the status of this fund, including how much money is currently in the fund and whether the amounts received are adequate to meet the needs of our problem solving courts. The Legislature has provided five sources of moneys for this fund: (1) the amount of any misdemeanor fine that exceeds the maximum fine that could have been imposed for the particular offense prior to July 1, 2005 (I.C. § 19-4705(2)(b)); (2) a surcharge on the sales of alcoholic liquor equal to 2% of the current price per unit, computed to the nearest five cents (I.C. § 23-217); (3) \$680,000 transferred annually from the State Liquor Account (I.C. § 23-404(1)(b)(vi)); (4) 80% of the moneys received from the surcharge imposed under I.C. § 31-3201H, amounting to \$100 for each felony, \$50 for each misdemeanor, and \$10 for each infraction; and (5) the domestic violence court fee of \$30 imposed for various alcohol, substance abuse, and domestic violence related offenses (I.C. § 32-1410).

This fund helps to support the operations of Family Court Services as well as Idaho's 67 problem solving courts. The amounts the fund has received in each of the last three fiscal years is as follows:

FY 2012	\$7,532,000
FY 2013	\$7,713,300
FY 2014	\$7,566,900

The fund currently has a balance of \$2,101,914. The Drug Court and Mental Health Court Coordinating Committee met on September 19 and reviewed allocations for FY 2015. All of the dedicated funds for problem solving courts are fully allocated. Several letters of intent for the creation of new problem solving courts were approved by the Coordinating Committee, but the operation of those courts has been left pending due to funding limitations for coordination services. Projected revenue growth in dedicated funds for problem solving courts has been allocated through FY 2017.

In summary, both the Legislature and the Judiciary can be proud of the continued success of our problem solving courts. All of the funds currently available are being used, and we continue to look for ways to extend and expand this success story.

(2) General fund receipts from fines and fees

A question was asked about the moneys received annually by the state general fund from fines and fees in criminal cases. The amounts for the last three fiscal years have been as follows:

FY 2012	\$1,562,618
FY 2013	\$1,500,658
FY 2014	\$1,383,250

(3) Collection rates

The Committee also asked about collection rates for fines and fees in criminal cases. The most recent fiscal year for which these numbers are available is FY 2013. In that year, the collection rate for infractions was 96%; for misdemeanors, 83%; and for felonies, 54%.

(4) Effect of the priority of payments

A question was asked about the effect of the priority of payments on some of the fees and costs that are assessed in criminal cases. Currently, it is difficult to determine this. When a particular fee is not receiving the full amount that one would expect based on the number of convictions, this may be because the defendant has made little if any payment, because the fee has been waived, or because payments made by a defendant have been absorbed by fees, fines, and restitution having a higher priority. We will continue to try to find a way to isolate the effect

of the priority of payments on various fees. We also would like to continue to work with the Legislature to refine the way in which payments made by persons convicted of crimes are distributed.

(5) Public School Income Fund

Under I.C. § 19-4705(1)(c), when a fine is assessed for a motor vehicle offense, and the arrest has not been made or the citation issued by a city officer, 22½ % of the fine is deposited in the Public School Income Fund. A member of the Committee asked how much money is received by this fund each year from these fines. The amounts received for each of the last three fiscal years has been as follow:

FY 2012	\$1,348,105
FY 2013	\$1,264,702
FY 2014	\$1,188,462

Please let us know if there is any other way in which we can assist the work of the Committee.

Very truly yours,



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MAH/st