

STATEMENT OF PURPOSE

RS22564

This legislation updates Idaho law concerning infraction penalties. There are multiple purposes behind the update. First, the law presently gives authority to the Supreme Court to set infraction penalties. This amendment would restore that function to the legislature, except where discretionary sentencing is specifically given to the courts. The bill maintains current fixed infraction penalties, but future changes would be up to the legislature. Second, infraction penalties are now by definition limited to \$100. The bill increases that limit to \$300 to allow for more flexible use of infractions as penalties instead of misdemeanors. Misdemeanors by definition carry the potential for jail time, which requires the provision of a public defender. Changing penalties from misdemeanors to infractions in appropriate cases will reduce costs for and work load upon public defenders. This amendment sets a foundation for future legislative transition of some misdemeanor penalties to infraction penalties. The interim public defense reform committee has endorsed this legislation as one step toward reducing public defender costs and work load in Idaho. The legislation also provides cities and counties flexibility in using infraction penalties rather than misdemeanors in punishing ordinance violations, so as to encourage them to transition from misdemeanor to infraction violations where appropriate.

FISCAL NOTE

There should be no impact to the general fund. The bill is drafted to be revenue neutral, retaining infraction penalties at their current levels.

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