

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 509

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE COURT TECHNOLOGY FUND AND FEES; AMENDING SECTION 1-1623,
2 IDAHO CODE, TO REVISE THE NAME OF A CERTAIN FUND AND A CERTAIN PROGRAM,
3 TO REVISE PROVISIONS RELATING TO A CERTAIN FUND AND TO PROVIDE CERTAIN
4 REPORTING REQUIREMENTS; AMENDING SECTION 1-2303, IDAHO CODE, TO IN-
5 CREASE A CERTAIN FEE, TO PROVIDE FOR A CERTAIN DEPOSIT INTO THE COURT
6 TECHNOLOGY FUND AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
7 1-2311, IDAHO CODE, TO ESTABLISH A CERTAIN FEE AND TO PROVIDE FOR A CER-
8 TAIN DEPOSIT INTO THE COURT TECHNOLOGY FUND; AMENDING SECTION 10-1305,
9 IDAHO CODE, TO INCREASE A CERTAIN FEE AND TO PROVIDE FOR THE DEPOSIT OF
10 CERTAIN FEE AMOUNTS INTO CERTAIN FUNDS; AMENDING SECTION 31-3201, IDAHO
11 CODE, TO REVISE THE NAME OF A CERTAIN FEE AND A CERTAIN FUND; AMENDING
12 SECTION 31-3201A, IDAHO CODE, TO PROVIDE A CODE REFERENCE, TO REMOVE
13 CHAPTER REFERENCES, TO REVISE THE NAME OF A CERTAIN FUND, TO INCREASE
14 CERTAIN FEES, TO ESTABLISH CERTAIN FEES, TO PROVIDE FOR CERTAIN DE-
15 POSITS INTO CERTAIN FUNDS, TO SPECIFY THAT CERTAIN FEES SHALL BE SET BY
16 RULE OR ADMINISTRATIVE ORDER OF THE SUPREME COURT AND TO MAKE A TECHNI-
17 CAL CORRECTION; AMENDING SECTION 31-3201H, IDAHO CODE, TO REVISE THE
18 NAME OF A CERTAIN FEE AND A CERTAIN FUND AND TO MAKE A TECHNICAL CORREC-
19 TION; AND AMENDING SECTION 31-3221, IDAHO CODE, TO REVISE THE NAME OF A
20 CERTAIN FUND.
21

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

23 SECTION 1. That Section 1-1623, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 1-1623. ~~IDAHO STATEWIDE TRIAL COURT AUTOMATED RECORDS SYSTEM (ISTARS)~~
26 COURT TECHNOLOGY FUND -- ANNUAL REPORT. (1) There is hereby created in the
27 office of the state treasurer the ~~ISTARS~~ court technology fund. Moneys de-
28 posited into the fund pursuant to sections 1-2303, 1-2311, 10-1305, 31-3201,
29 31-3201A, 31-3201H and 31-3221, Idaho Code, upon appropriation by the leg-
30 islature, shall be used by the supreme court for the purpose of maintaining,
31 replacing and enhancing the ~~Idaho Statewide Trial Court Automated Records~~
32 ~~System (ISTARS)~~ court technology program, and other technologies that as-
33 sist in the efficient management of the courts, or that improve access to the
34 courts and court records including, but not limited to, a system for payments
35 by credit card or debit card as provided in section 31-3221, Idaho Code, ~~or~~
36 ~~that improve access to the courts and development of electronic filing of~~
37 documents in court cases, video conferencing and electronic access to court
38 records. The ~~ISTARS~~ court technology fund shall be separate and distinct
39 from the state general fund, and expenditures from the ~~ISTARS~~ court tech-
40 nology fund shall be solely dedicated to the purposes set forth in this sec-
41 tion. Moneys deposited into the fund may be allowed to accumulate from year
42 to year for designated maintenance, replacement, extension or enhancement

1 of the ~~ISTARS~~ court technology program and for other technologies that as-
 2 sist in the efficient management of the courts. Interest earned on the in-
 3 vestment of idle moneys in the ~~ISTARS~~ court technology fund shall be returned
 4 to the ~~ISTARS~~ court technology fund.

5 (2) On or before the first day of each legislative session, the supreme
 6 court shall provide an annual report for the previous fiscal year to the gov-
 7 ernor, the chairman of the judiciary and rules committee of the senate, the
 8 chairman of the judiciary, rules and administration committee of the house
 9 of representatives and the chairmen of the joint finance-appropriations
 10 committee that summarizes the status of the court technology fund, the main-
 11 tenance, replacement, extension or enhancement of court technology, and the
 12 manner and extent to which court technology has advanced the timely resolu-
 13 tion of cases, improved access to the courts, produced savings and made more
 14 effective use of judicial resources.

15 SECTION 2. That Section 1-2303, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 1-2303. FILING OF CLAIM -- DEFAULT. (1) Upon filing a claim, the clerk
 18 shall furnish to the plaintiff a form of answer and instructions to the de-
 19 fendant, which, among other matters shall advise the defendant that if the
 20 defendant desires to have a hearing on the matter, the defendant must sign,
 21 complete and file the answer with the clerk. The instructions also shall no-
 22 tify the defendant that if the defendant does not sign and file the answer
 23 within twenty (20) days from the date of service on the defendant, judgment
 24 will be entered as requested in the claim.

25 (2) If no answer is filed within twenty (20) days, judgment may be en-
 26 tered by the court as provided in Rule 55, I.R.C.P. If an answer is filed by
 27 the defendant, the court shall set the matter for trial or mediation, by no-
 28 tice mailed to each party.

29 (3) The court shall collect in advance upon each claim the sum of
 30 ~~thirteen~~ ~~thirty-three~~ dollars (\$~~133.00~~), which shall be in addition to the
 31 costs necessary to effect service of the claim upon the defendant. This fee
 32 shall be distributed as follows: seven dollars (\$7.00) shall be paid to the
 33 county treasurer for deposit in the district court fund of the county; ~~and~~
 34 six dollars (\$6.00) shall be paid to the county treasurer who shall, within
 35 five (5) days after the end of the month, pay such fee to the state trea-
 36 surer for deposit in the senior magistrate judges fund; ~~and~~ twenty dollars
 37 (\$20.00) shall be paid to the county treasurer who shall, within five (5)
 38 days after the end of the month, pay such fees to the state treasurer for
 39 deposit into the court technology fund.

40 SECTION 3. That Section 1-2311, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 1-2311. APPEAL TO LAWYER MAGISTRATE. If either party is dissatisfied
 43 he may, within thirty (30) days from the entry of said judgment against him,
 44 appeal to a lawyer magistrate other than the magistrate who entered said
 45 judgment; and if the final judgment is rendered against him by such lawyer
 46 magistrate, then he shall pay, in addition to any judgment rendered in the
 47 magistrate's division, an attorney's fee to the prevailing party in the sum

1 of twenty-five dollars (\$25.00), provided, however, that appeals from such
2 small claims department shall only be allowed in such cases as appeals would
3 be allowed if the action were instituted in the magistrate's division as
4 is now provided, and further provided that the appeal shall be heard in the
5 county wherein the original small claim was filed. A fee of twenty dollars
6 (\$20.00) shall be paid by the party taking the appeal, which shall be paid
7 to the county treasurer who shall, within five (5) days after the end of the
8 month, pay such fees to the state treasurer for deposit into the court tech-
9 nology fund.

10 SECTION 4. That Section 10-1305, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 10-1305. FEES. Any person filing a foreign judgment shall pay to the
13 clerk of the court twenty-seven dollars (\$27.00). Seven dollars (\$7.00) of
14 such fee shall be paid to the county treasurer for deposit in the district
15 court fund of the county and twenty dollars (\$20.00) of such fee shall be paid
16 to the county treasurer who shall, within five (5) days after the end of the
17 month, pay such fees to the state treasurer for deposit into the court tech-
18 nology fund. Fees for docketing, transcription or other enforcement pro-
19 ceedings shall be as provided for judgments of the district court of this
20 state.

21 SECTION 5. That Section 31-3201, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 31-3201. CLERK OF DISTRICT COURT -- FEES. (1) The clerk of the district
24 court shall lawfully charge, demand and receive the following fees for ser-
25 vices rendered by him in discharging the duties imposed upon him by law:

- 26 For filing and docketing abstract or transcript of judgment from an-
- 27 other court\$2.00
- 28 For issuing execution upon an abstract or transcript of judgment and
- 29 filing same on return\$2.00
- 30 For recording execution issued upon abstract or transcript of judgment,
- 31 per page\$2.00
- 32 For taking affidavits, including jurat\$1.00
- 33 For taking acknowledgments, including seal\$1.00
- 34 For filing and indexing designation of agent of foreign corporation ...
- 35\$2.00
- 36 For filing and indexing notarial statement\$2.00
- 37 For making copy of any file or record, by the clerk, the clerk shall
- 38 charge and receive, per page\$1.00
- 39 For comparing and conforming a prepared copy of any file or record, the
- 40 clerk shall charge and receive, per page \$.50
- 41 For certifying the same an additional fee for certificate and seal
- 42\$1.00
- 43 For all services not herein enumerated, and of him lawfully required,
- 44 the clerk of the district court shall demand and receive such fees as are
- 45 herein allowed for similar services.

1 (2) All fees collected under the provisions of this section shall be
 2 paid over to the county treasurer, at the same time and in the same manner as
 3 other fees.

4 (3) In addition to all other fines, forfeitures and costs levied by the
 5 court, the clerk of the district court shall collect ten dollars (\$10.00)
 6 as an administrative surcharge fee on each criminal case, and five dollars
 7 (\$5.00) on each infraction to be paid over to the county treasurer at the same
 8 time and in the same manner as other fees, for the support of the county jus-
 9 tice fund, or the current expense fund if no county justice fund has been es-
 10 tablished, and shall collect ten dollars (\$10.00) as an administrative sur-
 11 charge fee on each civil case, including each appeal, to be paid over to the
 12 county treasurer for the support of the county court facilities fund, or to
 13 the district court fund if no county court facilities fund has been estab-
 14 lished.

15 (4) Provided further, an additional handling fee of two dollars (\$2.00)
 16 shall be imposed on each monthly installment of criminal or infraction
 17 fines, forfeitures, and other costs paid on a monthly basis.

18 (5) Provided further, in addition to all other fines, forfeitures and
 19 costs levied by the court, the clerk of the district court shall collect ten
 20 dollars (\$10.00) as an ~~Idaho Statewide Trial Court Automated Records System~~
 21 ~~(ISTARS)~~ court technology fee on each criminal and infraction offense to be
 22 paid over to the county treasurer who shall, within five (5) days after the
 23 end of the month, pay such fee to the state treasurer for deposit into the
 24 ~~ISTARS~~ court technology fund.

25 SECTION 6. That Section 31-3201A, Idaho Code, be, and the same is hereby
 26 amended to read as follows:

27 31-3201A. COURT FEES. The clerk of the district court in addition to
 28 the fees and charges imposed by chapter 20, title 1, Idaho Code, and by sec-
 29 tion 31-3201, Idaho Code, and in addition to the fee levied by chapter 2, ti-
 30 tle 73, Idaho Code, shall charge, demand and receive the following fees for
 31 services rendered by him in discharging the duties imposed upon him by law:

32 (1) Civil cases. A fee of fifty one hundred seventy-five dollars
 33 (\$1750.00) for filing a civil case of any type in the district court ~~or in,~~
 34 except for those cases to be assigned to the magistrate's division of the
 35 district court for which the fee shall be one hundred twenty dollars (\$120),
 36 with the following exceptions:

37 (a) The fee for small claims shall be as provided in section 1-2303,
 38 Idaho Code;

39 (b) No filing fee shall be charged in the following types of cases:

40 (i) Cases brought under chapter 3, title 66, Idaho Code, for com-
 41 mitment of mentally ill persons;

42 (ii) Cases brought under the juvenile corrections act;

43 (iii) Cases brought under the child protective act;

44 (iv) Demands for bond before a personal representative is ap-
 45 pointed in probate;

46 (v) Petitions for sterilization;

47 (vi) Petitions for judicial consent to abortion;

48 (vii) Registration of trusts and renunciations;

1 (viii) Petitions for leave to compromise the disputed claim of a
2 minor;

3 (ix) Petitions for a civil protection order or to enforce a for-
4 eign civil protection order pursuant to chapter 63, title 39,
5 Idaho Code;

6 (x) Objections to the appointment of a guardian filed by a minor
7 or an incapacitated person;

8 (xi) Proceedings to suspend a license for nonpayment of child
9 support pursuant to section 7-1405, Idaho Code;

10 (xii) Proceedings under the uniform post-conviction procedure
11 act as provided in chapter 49, title 19, Idaho Code;

12 (xiii) Filings of a custody decree from another state;

13 (xiv) Filings of any answer after an initial appearance fee has
14 been paid.

15 The filing fee of ~~fifty dollars (\$50.00)~~ shall be distributed as follows:
16 seventeen dollars (\$17.00) of such filing fee shall be paid to the county
17 treasurer for deposit in the district court fund of the county; ~~ten one hun-~~
18 dred thirty-five dollars (\$1035.00) of such filing fee, or in a case assigned
19 to the magistrate division of the district court eighty dollars (\$80.00) of
20 such filing fee, shall be paid to the county treasurer who shall, within five
21 (5) days after the end of the month, pay such fees to the state treasurer for
22 deposit into the ISTARS court technology fund; seventeen dollars (\$17.00)
23 of such filing fee shall be paid to the county treasurer who shall pay such
24 fees to the state treasurer for deposit in accordance with subsection (15) of
25 this section; and six dollars (\$6.00) of such filing fee shall be paid to the
26 county treasurer who shall, within five (5) days after the end of the month,
27 pay such fees to the state treasurer for deposit in the senior magistrate
28 judges fund.

29 (2) Felonies and misdemeanors. A fee of seventeen dollars and fifty
30 cents (\$17.50) shall be paid, but not in advance, by each person found guilty
31 of any felony or misdemeanor, except when the court orders such fee waived
32 because the person is indigent and unable to pay such fee. If the magistrate
33 court facilities are provided by the county, five dollars (\$5.00) of such fee
34 shall be paid to the county treasurer for deposit in the district court fund
35 of the county; and twelve dollars and fifty cents (\$12.50) of such fee shall
36 be paid to the county treasurer who shall pay such fees to the state treasurer
37 for deposit in accordance with subsection (15) of this section. If the mag-
38 istrate court facilities are provided by a city, five dollars (\$5.00) of such
39 fee shall be paid to the city treasurer for deposit in the city general fund,
40 two dollars and fifty cents (\$2.50) of such fee shall be paid to the city
41 treasurer for deposit in the city capital facilities fund for the construc-
42 tion, remodeling and support of magistrate court facilities, and ten dollars
43 (\$10.00) of such fee shall be paid to the county treasurer who shall pay such
44 fees to the state treasurer for deposit in accordance with subsection (15) of
45 this section.

46 (3) Infractions. A fee of sixteen dollars and fifty cents (\$16.50)
47 shall be paid, but not in advance, by each person found to have committed
48 an infraction or any minor traffic, conservation or ordinance violation;
49 provided that the judge or magistrate may in his or her discretion consoli-
50 date separate nonmoving traffic offenses into one (1) offense for purposes

1 of assessing such fee. If the magistrate court facilities are provided by
2 the county, five dollars (\$5.00) of such fee shall be paid to the county
3 treasurer for deposit in the district court fund of the county; and eleven
4 dollars and fifty cents (\$11.50) of such fee shall be paid to the county
5 treasurer, who shall pay such fees to the state treasurer for deposit in
6 accordance with subsection (15) of this section. If the magistrate court
7 facilities are provided by a city, five dollars (\$5.00) of such fee shall be
8 paid to the city treasurer for deposit in the city general fund, two dollars
9 and fifty cents (\$2.50) of such fee shall be paid to the city treasurer for
10 deposit in the city capital facilities fund for the construction, remodeling
11 and support of magistrate court facilities, and nine dollars (\$9.00) of such
12 fee shall be paid to the county treasurer who shall pay such fees to the state
13 treasurer for deposit in accordance with subsection (15) of this section.

14 (4) Initial appearance other than plaintiff. A fee of ~~thirty one hun-~~
15 ~~dred~~ dollars (\$3100.00) shall be paid for any filing constituting the ini-
16 tial appearance by a party, except the plaintiff, in any civil action in the
17 district court or in the magistrate's division of the district court, except
18 small claims. If two (2) or more parties are making their initial appear-
19 ance in the same filing, then only one (1) filing fee shall be collected. Of
20 such fee, four dollars (\$4.00) shall be paid to the county treasurer for de-
21 posit in the district court fund of the county; ~~ten eighty~~ dollars (\$180.00)
22 of such fee shall be paid to the county treasurer who shall, within five (5)
23 days after the end of the month, pay such fees to the state treasurer for de-
24 posit into the ~~ISTARS~~ court technology fund; ten dollars (\$10.00) of such fee
25 shall be paid to the county treasurer who shall pay such fees to the state
26 treasurer for deposit in accordance with subsection (15) of this section;
27 and six dollars (\$6.00) of such fee shall be paid to the county treasurer who
28 shall, within five (5) days after the end of the month, pay such fees to the
29 state treasurer for deposit in the senior magistrate judges fund.

30 (5) Accountings. A fee of nine dollars (\$9.00) shall be paid by the per-
31 son or persons required to make an account pursuant to ~~either chapter 11 or~~
32 ~~chapter 18,~~ title 15, Idaho Code, at the time such account is filed. All of
33 such fee shall be paid to the county treasurer for deposit in the district
34 court fund of the county.

35 (6) Distribution of estate. A fee of twenty-five dollars (\$25.00)
36 shall be paid upon the filing of a petition of the executor or administrator
37 or of any person interested in an estate for the distribution of such estate,
38 six dollars (\$6.00) of such fee shall be paid to the county treasurer for
39 deposit in the district court fund of the county; thirteen dollars (\$13.00)
40 of such fee shall be paid to the county treasurer who shall pay such fees to
41 the state treasurer for deposit in accordance with subsection (15) of this
42 section; and six dollars (\$6.00) of such fee shall be paid to the county
43 treasurer who shall, within five (5) days after the end of the month, pay such
44 fees to the state treasurer for deposit in the senior magistrate judges fund.

45 (7) Third party claim. A fee of fourteen dollars (\$14.00) shall be paid
46 by a party filing a third party claim as defined in the Idaho rules of civil
47 procedure. Eight dollars (\$8.00) of such fee shall be paid to the county
48 treasurer for deposit in the district court fund of the county; and six dol-
49 lars (\$6.00) of such fee shall be paid to the county treasurer who shall,

1 within five (5) days after the end of the month, pay such fees to the state
2 treasurer for deposit in the senior magistrate judges fund.

3 (8) Cross-claims. A fee of fourteen dollars (\$14.00) shall be paid by
4 any party filing a cross-claim. Eight dollars (\$8.00) of such fee shall be
5 paid to the county treasurer for deposit in the district court fund of the
6 county; and six dollars (\$6.00) of such fee shall be paid to the county trea-
7 surer who shall, within five (5) days after the end of the month, pay such
8 fees to the state treasurer for deposit in the senior magistrate judges fund.

9 (9) Change of venue. A fee of twenty-nine dollars (\$29.00) shall be
10 paid by a party initiating a change of venue. Such fee shall be paid to the
11 clerk of the court of the county to which venue is changed. All Nine dol-
12 lars (\$9.00) of such fee shall be paid to the county treasurer for deposit in
13 the district court fund of the county and twenty dollars (\$20.00) of such fee
14 shall be paid to the county treasurer who shall, within five (5) days after
15 the end of the month, pay such fees to the state treasurer for deposit into
16 the court technology fund.

17 (10) Reopening a case.

18 (a) A fee of fifteen eighty-five dollars (\$185.00) shall be paid by any
19 party appearing after judgment or applying to reopen a case. Nine dol-
20 lars (\$9.00) of such fee shall be paid to the county treasurer for de-
21 posit in the district court fund of the county; and six dollars (\$6.00)
22 of such fee shall be paid to the county treasurer who shall, within five
23 (5) days after the end of the month, pay such fees to the state treasurer
24 for deposit in the senior magistrate judges fund; and seventy dollars
25 (\$70.00) of such fee shall be paid to the county treasurer who shall,
26 within five (5) days after the end of the month, pay such fees to the
27 state treasurer for deposit into the court technology fund.

28 (b) A fee of thirty-eight one hundred eight dollars (\$3108.00) shall be
29 paid by a party applying to reopen a divorce action or modify a divorce
30 decree, with seventeen dollars (\$17.00) of the fee to be paid to the
31 county treasurer for deposit in the district court fund of the county;
32 fifteen dollars (\$15.00) of such fee to be paid to the county treasurer
33 who shall pay such fees to the state treasurer for deposit in accor-
34 dance with subsection (15) of this section; and six dollars (\$6.00) of
35 such fee to be paid to the county treasurer who shall, within five (5)
36 days after the end of the month, pay such fees to the state treasurer
37 for deposit in the senior magistrate judges fund; and seventy dollars
38 (\$70.00) of such fee shall be paid to the county treasurer who shall,
39 within five (5) days after the end of the month, pay such fees to the
40 state treasurer for deposit into the court technology fund.

41 (c) When the application to reopen a case consists only of a motion or
42 other pleading to revive or renew a judgment, a fee of twenty-nine dol-
43 lars (\$29.00) shall be paid by the party filing the motion or pleading.
44 Nine dollars (\$9.00) of such fee shall be paid to the county treasurer
45 for deposit in the district court fund of the county and twenty dollars
46 (\$20.00) of such fee shall be paid to the county treasurer who shall,
47 within five (5) days after the end of the month, pay such fees to the
48 state treasurer for deposit into the court technology fund.

49 (11) Appeal to district court. A fee of fifteen thirty-five dollars
50 (\$135.00) shall be paid by a party taking an appeal from the magistrate's di-

1 vision of the district court to the district court; ~~and~~ nine dollars (\$9.00)
2 of such fee shall be paid to the county treasurer for deposit in the district
3 court fund of the county; six dollars (\$6.00) of such fee shall be paid to the
4 county treasurer who shall, within five (5) days after the end of the month,
5 pay such fees to the state treasurer for deposit in the senior magistrate
6 judges fund; and twenty dollars (\$20.00) of such fee shall be paid to the
7 county treasurer who shall, within five (5) days after the end of the month,
8 pay such fees to the state treasurer for deposit into the court technology
9 fund. No additional fee shall be required if a new trial is granted. All of
10 such fee shall be paid to the county treasurer for deposit in the district
11 court fund of the county.

12 (12) Appeal to supreme court. A fee of ~~fifteen~~ thirty-five dollars
13 (~~\$135.00~~) shall be paid by the party taking an appeal from the district court
14 to the supreme court for comparing and certifying the transcript on appeal,
15 if such certificate is required. Nine dollars (\$9.00) of such fee shall be
16 paid to the county treasurer for deposit in the district court fund of the
17 county; ~~and~~ six dollars (\$6.00) of such fee shall be paid to the county trea-
18 surer who shall, within five (5) days after the end of the month, pay such
19 fees to the state treasurer for deposit in the senior magistrate judges fund;
20 and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer
21 who shall, within five (5) days after the end of the month, pay such fees to
22 the state treasurer for deposit into the court technology fund.

23 (13) Fees not covered by this section, including fees to defray the
24 costs of electronic access to court records other than the register of ac-
25 tions, shall be set by rule or administrative order of the supreme court.

26 (14) All fees required to be paid by this section or by rule or admin-
27 istrative order of the supreme court shall be collected by the clerk of the
28 district court or by a person appointed by the clerk of the district court
29 for this purpose. If it appears that there is a necessity for such fees to
30 be collected by persons other than the clerk of the district court or a per-
31 son designated by the clerk for such purpose, the supreme court by rule or
32 administrative order may provide for the designation of persons authorized
33 to receive such fees. Persons so designated shall account for such fees in
34 the same manner required of the clerk of the district court and shall pay such
35 fees to the clerk of the district court of the county in which such fees are
36 collected.

37 (15) That portion of the filing fees required to be remitted to the state
38 treasurer for deposit pursuant to subsections (1), (2), (3), (4), (6) and
39 (10) of this section shall be apportioned eighty-six percent (86%) to the
40 state general fund and fourteen percent (14%) to the peace officers stan-
41 dards and training fund authorized in section 19-5116, Idaho Code, within
42 five (5) days after the end of the month in which such fees were remitted to
43 the county treasurer. That portion of the filing fees required to be remit-
44 ted to a city treasurer for deposit in the city's general fund shall be re-
45 mitted within five (5) days after the end of the month in which such fees were
46 remitted to the county treasurer.

47 (16) Of the fees derived from the filing of any divorce action required
48 to be transmitted to the state treasurer, the county treasurer shall retain
49 five dollars (\$5.00), which shall be separately identified and deposited in
50 the district court fund of the county. Such moneys shall be used exclusively

1 for the purpose of establishing a uniform system of qualifying and approving
 2 persons, agencies or organizations to conduct evaluations of persons con-
 3 victed of domestic assault or battery as provided in section 18-918, Idaho
 4 Code, and the administration of section 18-918(7), Idaho Code, relating to
 5 the evaluation and counseling or other treatment of such persons, includ-
 6 ing the payment of the costs of evaluating and counseling or other treatment
 7 of an indigent defendant. No provision of chapter 52, title 39, Idaho Code,
 8 shall apply to the moneys provided for in this subsection.

9 (17) In consideration of the aforesaid fees, the clerk of the district
 10 court shall be required to perform all lawful service that may be required of
 11 him by any party thereto; provided, that he shall not prepare and furnish any
 12 certified copy of any file or record in an action except printed transcript
 13 on appeal, without additional compensation as provided by law.

14 SECTION 7. That Section 31-3201H, Idaho Code, be, and the same is hereby
 15 amended to read as follows:

16 31-3201H. ~~EMERGENCY SURCHARGE FEE.~~ (1) The court shall charge an ~~emer-~~
 17 ~~gency~~ surcharge fee to be paid by each defendant for each criminal offense or
 18 infraction, committed on or after April 15, 2010, for which the defendant is
 19 found or pleads guilty. Such fee shall be in addition to all other fines and
 20 fees levied.

21 (2) The amount of the ~~emergency~~ surcharge fee shall be as follows:

22 (a) For each felony, the fee shall be one hundred dollars (\$100);

23 (b) For each misdemeanor, the fee shall be fifty dollars (\$50.00); and

24 (c) For each infraction, the fee shall be ten dollars (\$10.00).

25 (3) The fee shall be collected by the clerk of the district court and
 26 shall be paid to the county treasurer, who shall, within five (5) days after
 27 the end of the month, pay such fees to the state treasurer, who shall deposit
 28 eighty percent (80%) of such fees in the drug court, mental health court and
 29 family court services fund created by section 1-1625, Idaho Code, and twenty
 30 percent (20%) of such fees in the ~~Idaho statewide trial court automated~~
 31 ~~records system (ISTARS)~~ court technology fund created by section 1-1623,
 32 Idaho Code.

33 SECTION 8. That Section 31-3221, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 31-3221. PAYMENTS TO COURT BY CREDIT CARD OR DEBIT CARD. (1) The clerk
 36 of the district court may accept payment of a debt owed to the court by a
 37 credit card or debit card. Any person making payment on a debt owed to the
 38 court by a credit card or debit card shall be assessed an electronic payment
 39 convenience fee established by the supreme court, which shall include, among
 40 other costs, the amount charged the court by the issuer for the use of the
 41 card. This fee may also be paid by credit card or debit card and included
 42 in the transaction for the payment of the debt owed to the court. The elec-
 43 tronic payment convenience fee shall be separate from the debt owed to the
 44 court and shall be deposited into the ~~ISTARS~~ court technology fund created
 45 in section 1-1623, Idaho Code, and shall be used for the implementation of
 46 the provisions of this section. The debt owed to the court shall not be ex-
 47 punged, canceled, released, discharged or satisfied and any receipt or other

1 evidence of payment shall be deemed conditional until the court has received
2 final and unconditional payment of the full amount due from the financing
3 agency or card issuer for the transaction. If an electronic payment once
4 made is subsequently denied, revoked or otherwise canceled for any reason,
5 and the payment is withdrawn from the court, the court may proceed as though
6 payment had never been made.

7 (2) Definitions. As used in this section:

8 (a) "Cardholder" means the person or organization named on the face of a
9 credit card or debit card to whom or for whose benefit the credit card or
10 debit card is issued by an issuer.

11 (b) "Credit card" means any instrument or device, whether known as a
12 credit card or credit plate or by any other name, issued with or with-
13 out a fee by an issuer for the use of the cardholder in obtaining money,
14 property, goods, services or anything else of value on credit.

15 (c) "Debit card" means any instrument or device, whether known as a
16 debit card or by any other name, issued with or without a fee by an issuer
17 for the use of the cardholder in depositing, obtaining or transferring
18 funds.

19 (d) "Debt owed to the court" means any assessment of fines, court costs,
20 surcharges, penalties, fees, restitution, cash deposit of bail, mon-
21 eys expended in providing counsel and other defense services to indi-
22 gent defendants, or other charges which a court judgment has ordered to
23 be paid to the court or which a party has agreed to pay in criminal or
24 civil cases and includes any interest or penalty on such unpaid amounts
25 as provided for in the judgment or by law.

26 (e) "Issuer" means a business organization, financial institution or
27 authorized agent of a business organization or financial institution
28 that issues a credit card or debit card.

29 (3) The supreme court may adopt rules as deemed appropriate for the ad-
30 ministration of this section and may enter into contracts with an issuer or
31 other organization to implement the provisions of this section.