

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 62

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO VICTIM RESTITUTION; AMENDING SECTION 10-1110, IDAHO CODE, TO  
2 PROVIDE FOR LIENS RESULTING FROM RESTITUTION OWED TO A CRIME VICTIM; AND  
3 AMENDING SECTION 11-101, IDAHO CODE, TO PROVIDE FOR EXECUTION ON JUDG-  
4 MENTS FOR RESTITUTION OWED TO A CRIME VICTIM AND TO PROVIDE FOR A WRIT OF  
5 EXECUTION UNDER CERTAIN CONDITIONS.  
6

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

8 SECTION 1. That Section 10-1110, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 10-1110. FILING TRANSCRIPT OF JUDGMENTS -- LIEN ACQUIRED. A tran-  
11 script or abstract of any judgment or decree of any court of this state or any  
12 court of the United States the enforcement of which has not been stayed as  
13 provided by law, if rendered within this state, certified by the clerk hav-  
14 ing custody thereof, may be recorded with the recorder of any county of this  
15 state, who shall immediately record and docket the same as by law provided,  
16 and from the time of such recording, and not before, the judgment so recorded  
17 becomes a lien upon all real property of the judgment debtor in the county,  
18 not exempt from execution, owned by him at the time or acquired afterwards  
19 at any time prior to the expiration of the lien; provided that where a tran-  
20 script or abstract is recorded of any judgment or decree of divorce or sep-  
21 arate maintenance making provision for installment or periodic payment of  
22 sums for maintenance of children or alimony or allowance for wife's support,  
23 such judgment or decree shall be a lien only in an amount for payments so  
24 provided, delinquent or not made when due. The lien resulting from recording  
25 of a judgment other than for support of a child or for restitution owed to a  
26 crime victim where the order of restitution has been recorded as a judgment  
27 pursuant to section 19-5305, Idaho Code, continues five (5) years from the  
28 date of the judgment, unless the judgment be previously satisfied, or unless  
29 the enforcement of the judgment be stayed upon an appeal as provided by law.  
30 A lien arising from the delinquency of a payment due under a judgment for  
31 support of a child issued by an Idaho court continues until five (5) years  
32 after the death or emancipation of the last child for whom support is owed  
33 under the judgment unless the underlying judgment is renewed, is previously  
34 satisfied or the enforcement of the judgment is stayed upon an appeal as pro-  
35 vided by law. A lien arising from an order for restitution to a crime victim  
36 where the order of restitution has been recorded as a judgment pursuant to  
37 section 19-5305, Idaho Code, continues until twenty (20) years from the date  
38 of the judgment, unless the judgment be previously satisfied, or unless the  
39 judgment is stayed or set aside. The transcript or abstract above mentioned  
40 shall contain the title of the court and cause and number of action, names of  
41 judgment creditors and debtors, time of entry and amount of judgment.

1           SECTION 2. That Section 11-101, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3           11-101. TIME WITHIN WHICH EXECUTION MAY ISSUE -- STAY PENDING DIS-  
4 POSITION OF MOTIONS. Except as provided in section 5-245, Idaho Code, for  
5 execution on judgments for support of a child and for execution on judgments  
6 for restitution to victims of crime, the party in whose favor judgment is  
7 given may, at any time within five (5) years after the entry thereof, have  
8 a writ of execution issued for its enforcement, subject to the right of  
9 the court to stay execution as provided by the rules adopted by the supreme  
10 court. The party in whose favor a judgment for restitution to a victim of  
11 crime has been entered pursuant to section 19-5305, Idaho Code, may, at any  
12 time within twenty (20) years after the entry thereof, have a writ of execu-  
13 tion issued for its enforcement, subject to the right of the court to stay  
14 execution as provided by the rules adopted by the supreme court.