

STATEMENT OF PURPOSE

RS23619

This bill is one of a group of bills to reclassify low level misdemeanors to infractions. The subject matter is fish and game violations. The purpose behind the reclassification is to better align punishment with crimes committed and save costs related to public defense, while maintaining penalties adequate for deterrence and enforcement. This effort builds on HB 434 (2014) which updated infraction penalties to increase the viability of migrating low level misdemeanors to infraction penalties. These changes originated with recommendations from the Misdemeanor Reclassification Subcommittee of the Criminal Justice Commission, which were then reviewed and approved in concept by the Public Defense Reform Interim Committee. The proposed changes affect certain grouse permits, taking of upland birds with exceptions, public use restrictions, evidence of species and Henry's Lake fishing limits. The bill also maintains the fine for existing infractions at \$72 but removes reference to the Idaho infraction rules. It also sets a \$250 fine for the infractions being migrated from misdemeanor to infraction status.

FISCAL NOTE

The fiscal impact to revenue derived from fines and fees statewide is estimated to be a net decrease of \$6,646.00 per fiscal year, based on the average number of relevant citations issued over the last three fiscal years. Although the amounts cannot be precisely calculated due to the absence of data, any reduction in revenue is expected to be offset and likely exceeded by a corresponding reduction in the associated cost of public defense, prosecution, and/or adjudication. These potential savings would be realized primarily by the counties. By fund, the reduction in revenue derived from fines and fees each fiscal year is estimated to be as follows: a decrease of \$139.00 to the state General Fund; a decrease of \$589.00 to the state Search and Rescue Fund; a decrease of \$1,317.00 to county District Court Funds; a decrease of \$3,828.00 to the state Fish and Game Fund; a decrease of \$34.00 to county Justice Funds and/or Current Expense Funds; an increase of \$25.00 to the state Peace Officers Standards and Training Fund; a decrease of \$310.00 to the state Crime Victims Compensation Fund; a decrease of \$25.00 to the state Peace Officer and Detention Officer Temporary Disability Fund; a decrease of \$255.00 to the state Drug Court, Mental Health Court and Family Court Services Fund; a decrease of \$48.00 to the state Court Technology Fund; and a decrease of \$126.00 to the state Victim Notification Fund. These are estimates but could vary slightly based upon several factors including conviction rates; fine imposition rates; waiver rates; collection rates; whether city or county magistrate facilities are used.

Contact:

Representative Lynn M. Luker
Senator Todd Lakey
(208) 332-1111