

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 494

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO ALCOHOL; AMENDING SECTION 18-1502, IDAHO CODE, TO PROVIDE THAT
2 CERTAIN ALCOHOL AGE VIOLATIONS SHALL BE AN INFRACTION AND TO REVISE THE
3 PENALTIES FOR A VIOLATION; AMENDING SECTION 20-505, IDAHO CODE, TO PRO-
4 VIDE FOR CERTAIN JUVENILES TAKEN INTO CUSTODY; AMENDING SECTION 20-516,
5 IDAHO CODE, TO PROVIDE FOR ALCOHOL AGE VIOLATIONS AND TO AUTHORIZE A
6 PEACE OFFICER TO NOTIFY CERTAIN PERSONS; AMENDING SECTION 23-604, IDAHO
7 CODE, TO PROVIDE THAT CERTAIN ALCOHOL VIOLATIONS BY A PERSON UNDER THE
8 AGE OF TWENTY-ONE SHALL BE AN INFRACTION; AMENDING SECTION 23-949,
9 IDAHO CODE, TO PROVIDE THAT CERTAIN VIOLATIONS BY A PERSON UNDER THE
10 AGE OF TWENTY-ONE WHO SERVES OR DISPENSES ALCOHOL SHALL BE AN INFRAC-
11 TION, TO REVISE A PROVISION REGARDING POSSESSION OF ALCOHOL, TO REVISE
12 A PROVISION REGARDING PUNISHMENT AND TO MAKE A TECHNICAL CORRECTION;
13 AMENDING SECTION 31-3201, IDAHO CODE, TO PROVIDE FOR CERTAIN FIRST-TIME
14 INFRACTIONS; AMENDING SECTION 31-3201A, IDAHO CODE, TO PROVIDE FOR CER-
15 TAIN FIRST-TIME INFRACTIONS; AMENDING SECTION 31-3201H, IDAHO CODE, TO
16 PROVIDE FOR CERTAIN FIRST-TIME INFRACTIONS; AMENDING SECTION 31-3204,
17 IDAHO CODE, TO PROVIDE FOR CERTAIN FIRST-TIME INFRACTIONS; AMENDING
18 SECTION 72-1025, IDAHO CODE, TO PROVIDE FOR CERTAIN FIRST-TIME INFRAC-
19 TIONS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 72-1105,
20 IDAHO CODE, TO PROVIDE FOR CERTAIN FIRST-TIME INFRACTIONS.
21

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

23 SECTION 1. That Section 18-1502, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 18-1502. BEER, WINE OR OTHER ALCOHOL AGE VIOLATIONS -- FINES. (a)
26 Except as provided in subsection (e) of this section, wWhenever a person is
27 in violation, on the basis of his age, of any federal, state, or municipal law
28 or ordinance pertaining to the use, possession, procurement, or attempted
29 procurement, or dispensing of any beer, wine or other alcoholic beverage
30 product, the violation shall constitute a misdemeanor.

31 (b) (1) Every person convicted of ~~a misdemeanor~~ an infraction under this
32 section shall be punished by a fine of ~~not more than one thousand three~~
33 hundred dollars (\$1,0300).

34 (2) ~~The second conviction~~ Every person convicted of a misdemeanor un-
35 der this section shall be punished by a fine of not more than two thou-
36 sand dollars (\$2,000), or up to thirty (30) days in jail or both. The
37 third and subsequent conviction under this section shall be punished by
38 a fine of not more than three thousand dollars (\$3,000), or up to sixty
39 (60) days in jail or both.

40 (c) A conviction under this section shall not be used or considered in
41 any manner for purposes of motor vehicle insurance.

1 (d) Whenever a person pleads guilty or is found guilty of violating any
 2 law pertaining to the possession, use, procurement, attempted procurement
 3 or dispensing of any beer, wine, or other alcoholic beverage, and such per-
 4 son was under twenty-one (21) years of age at the time of such violation, then
 5 in addition to the ~~penalty~~ penalties provided in subsection (b) of this sec-
 6 tion:

7 (1) Upon a misdemeanor conviction, tThe court ~~shall~~, in its discretion,
 8 may suspend the person's driving privileges for a period of not more
 9 than one (1) year. The person may request restricted driving privileges
 10 during the period of suspension, which the court may allow, if the per-
 11 son shows by a preponderance of the evidence that driving privileges are
 12 necessary as deemed appropriate by the court.

13 (2) If the person's driving privileges have been previously suspended
 14 under this section, the court shall suspend the person's driving privi-
 15 leges for a period of not more than two (2) years. The person may re-
 16 quest restricted driving privileges during the period of suspension,
 17 which the court may allow, if the person shows by a preponderance of the
 18 evidence that driving privileges are necessary as deemed appropriate by
 19 the court.

20 (3) The person shall surrender his license or permit to the court.

21 (4) The court shall notify the motor vehicle division of the Idaho
 22 transportation department of all orders of suspension it issues pur-
 23 suant to this section.

24 (5) The court, in its discretion, may also order the person to undergo
 25 and complete an alcohol evaluation and to complete an alcohol treatment
 26 or education program in the same manner that persons sentenced pursuant
 27 to section 18-8005, Idaho Code, are required to undergo and complete.

28 (e) (1) For the purposes of alcohol age violations under this section,
 29 the following violations shall constitute infractions:

30 (i) A first violation of section 23-604, Idaho Code;

31 (ii) A first violation of section 23-949, Idaho Code, except that
 32 an age violation of section 23-949, Idaho Code, while selling,
 33 selling or dispensing liquor, beer or wine in the course of em-
 34 ployment where such liquor, beer or wine is lawfully present is an
 35 infraction; and

36 (iii) A violation of section 23-505(1) and (2), Idaho Code, when an
 37 individual is not in actual physical control of the vehicle.

38 (2) Subsequent violations under this subsection that constitute misde-
 39 meanors under subsection (b) (2) of this section, shall begin as a first
 40 misdemeanor.

41 SECTION 2. That Section 20-505, Idaho Code, be, and the same is hereby
 42 amended to read as follows:

43 20-505. JURISDICTION. Subject to the prior jurisdiction of the United
 44 States, the court shall have exclusive, original jurisdiction over any juve-
 45 nile and over any adult who was a juvenile at the time of any act, omission or
 46 status, in the county in which the juvenile resides, or in the county in which
 47 the act, omission or status allegedly took place, in the following cases:

1 (1) Where the act, omission or status occurs in the state of Idaho and is
 2 prohibited by federal, state, local or municipal law or ordinance by reason
 3 of minority only;

4 (2) Where the act or omission occurs in the state of Idaho and is a vio-
 5 lation of any federal, state, local or municipal law or ordinance which would
 6 be a crime if committed by an adult;

7 (3) Concerning any juvenile where the juvenile comes under the purview
 8 of the interstate compact for juveniles as set forth in chapter 19, title 16,
 9 Idaho Code;

10 (4) This chapter shall not apply to juvenile violators of beer, wine or
 11 other alcohol and tobacco laws; except that a juvenile violator under the age
 12 of eighteen (18) years at the time of the violation may, at the discretion
 13 of the court, be treated under the provisions of this chapter, provided that
 14 a juvenile taken into custody pursuant to section 20-516(1) (c), Idaho Code,
 15 for an alcohol age infraction under section 18-1502(e), Idaho Code, shall be
 16 treated within the provisions of this chapter;

17 (5) This chapter shall not apply to the juvenile offenders who are
 18 transferred for criminal prosecution as an adult, as provided in this chap-
 19 ter;

20 (6) This chapter shall not apply to juvenile violators of traffic, wa-
 21 tercraft, fish and game, failure to obey a misdemeanor citation and criminal
 22 contempt laws; except that a juvenile violator under the age of eighteen (18)
 23 years at the time of such violation may, at the discretion of the court, be
 24 treated under the provisions of this chapter;

25 (7) This chapter shall not apply to juvenile sex offenders who violate
 26 the provisions of section 18-8414, Idaho Code.

27 SECTION 3. That Section 20-516, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

29 20-516. APPREHENSION AND RELEASE OF JUVENILES -- DETENTION. (1) A
 30 peace officer may take a juvenile into custody, or a private citizen may
 31 detain a juvenile until the juvenile can be delivered forthwith into the
 32 custody of a peace officer, without order of the court:

33 (a) When he has reasonable cause to believe that the juvenile has com-
 34 mitted an act which would be a misdemeanor or felony if committed by an
 35 adult; or

36 (b) When in the presence of a peace officer or private citizen the ju-
 37 venile has violated any local, state or federal law or municipal ordi-
 38 nance; or

39 (c) When there are reasonable grounds to believe the juvenile has com-
 40 mitted a status offense. Status offenses are truancy, running away from
 41 or being beyond the control of parents, guardian, or legal custodian,
 42 alcohol age violations under section 18-1502(e), Idaho Code, and curfew
 43 violations. Status offenders shall not be placed in any jail facility
 44 but instead may be placed in juvenile shelter care facilities, except
 45 in the case of runaways, when there is a specific detention request from
 46 a foreign jurisdiction to hold the juvenile pending transportation ar-
 47 rangements, and a peace officer may, in his discretion, notify the par-
 48 ent, guardian or legal custodian. In the event of an alcohol age in-

1 fraction under section 18-1502(e), Idaho Code, the status offense under
2 this section shall be in addition to the infraction.

3 (2) A peace officer may take a juvenile into custody upon a written or-
4 der or warrant signed by a judge. The judge may issue the order or warrant af-
5 ter finding that there is reasonable cause to believe that the juvenile comes
6 within the purview of this chapter. Such taking into custody shall not be
7 deemed an arrest. Jurisdiction of the court shall attach from the time the
8 juvenile is taken into custody. When an officer takes a juvenile into cus-
9 tody, he shall notify the parent, guardian or custodian of the juvenile as
10 soon as possible. Unless otherwise ordered by the court, or unless it ap-
11 pears to the officer taking the juvenile into custody that it is contrary to
12 the welfare of society or the juvenile, such juvenile shall be released to
13 the custody of his parent or other responsible adult upon written promise,
14 signed by such person, to bring the juvenile to the court at a stated time.
15 Such written promise shall be submitted to the court as soon as possible. If
16 such person shall fail to produce the juvenile as agreed, or upon notice from
17 the court, a summons for such person may be issued by the court and a warrant
18 may be issued for apprehension of the juvenile.

19 (3) A juvenile taken into custody may be fingerprinted and pho-
20 tographed. Any fingerprints and photographs taken shall be forwarded as
21 provided in subsection (8) of this section. If the court finds good cause it
22 may order any fingerprints and photographs expunged.

23 (4) When a juvenile is not released he shall be taken forthwith to the
24 court or place of detention specified by the court and then not later than
25 twenty-four (24) hours, excluding Saturdays, Sundays and holidays, shall be
26 brought before the court for a detention hearing to determine where the ju-
27 venile will be placed until the next hearing. Status offenders shall not be
28 placed in any jail facility, but instead may be placed in juvenile shelter
29 care facilities.

30 Placements may include, but are not limited to, the following:

- 31 (a) Parents of the juvenile;
- 32 (b) Relatives of the juvenile;
- 33 (c) Foster care;
- 34 (d) Group care;
- 35 (e) A juvenile detention center; or
- 36 (f) Community-based diversion programs.

37 (5) The person in charge of a detention center shall give immediate no-
38 tice to the court that the juvenile is in his custody.

39 (6) No juvenile shall be held in detention longer than twenty-four (24)
40 hours, exclusive of Saturdays, Sundays and holidays, unless a petition has
41 been filed and the court has signed the detention order.

42 (7) As soon as a juvenile is detained by court order, his parents,
43 guardian or legal custodian shall be informed by notice in writing on forms
44 prescribed by the court that they may have a prompt hearing regarding release
45 or detention.

46 (8) A juvenile taken into detention for an offense shall be finger-
47 printed and photographed. Fingerprints and photographs taken of juveniles
48 shall be forwarded to the appropriate law enforcement agency and filed with
49 the bureau of criminal identification of the Idaho state police which shall
50 create a juvenile offender fingerprint file and enter the fingerprint data

1 into the automated fingerprint identification system. If the court finds
2 good cause it may order the fingerprints and photographs of the juvenile
3 offender expunged.

4 (9) Peace officers' records of juveniles shall be kept separate from
5 records of adults and shall be subject to disclosure according to chapter 1,
6 title 74, Idaho Code.

7 SECTION 4. That Section 23-604, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 23-604. MINORS -- PURCHASE, CONSUMPTION OR POSSESSION PROHIBITED. Any
10 person under twenty-one (21) years of age who shall purchase, attempt to pur-
11 chase, or otherwise consume or possess any alcohol beverage, including any
12 distilled spirits, beer or wine, shall be guilty of an infraction upon first
13 conviction and shall be guilty of a misdemeanor upon a subsequent conviction
14 and shall be punished according to the schedule set out in section 18-1502,
15 Idaho Code.

16 SECTION 5. That Section 23-949, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 23-949. PERSONS NOT ALLOWED TO ~~PURCHASE, POSSESS~~ SELL, ~~SERVE, OR DIS-~~
19 ~~PENSE, OR CONSUME~~ BEER, WINE OR OTHER ALCOHOLIC LIQUOR. It is unlawful for
20 any person under the age of twenty-one (21) years to ~~purchase, attempt to~~
21 ~~purchase, possess~~ sell, ~~serve, or~~ dispense, ~~or consume~~ beer, wine or other
22 alcoholic liquor; provided, however, that any person who is nineteen (19)
23 years of age or older may sell, ~~serve, possess~~ and dispense liquor, beer
24 or wine in the course of his employment in any place as defined in section
25 23-942, Idaho Code, or other place where liquor, beer or wine ~~are~~ is lawfully
26 present so long as such place is the place of employment for such person under
27 twenty-one (21) years of age.

28 For purposes of this section, a person who sells, serves or dispenses
29 liquor, beer or wine in compliance with the provisions of this section shall
30 also not be deemed to "possess" alcohol that has been consumed by the person,
31 without regard to the place of consumption in violation of section 23-604,
32 Idaho Code.

33 Any person violating the provisions of this section shall be guilty ~~of~~
34 ~~a misdemeanor punishable and punished~~ in accordance with ~~the schedule set~~
35 ~~forth in~~ section 18-1502, Idaho Code.

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

38 31-3201. CLERK OF DISTRICT COURT -- FEES. (1) The clerk of the district
39 court shall lawfully charge, demand and receive the following fees for ser-
40 vices rendered by him in discharging the duties imposed upon him by law:

41 For filing and docketing abstract or transcript of judgment from an-
42 other court\$2.00

43 For issuing execution upon an abstract or transcript of judgment and
44 filing same on return\$2.00

1 For recording execution issued upon abstract or transcript of judgment,
2 per page\$2.00
3 For taking affidavits, including jurat\$1.00
4 For taking acknowledgments, including seal\$1.00
5 For filing and indexing designation of agent of foreign corporation ...
6\$2.00
7 For filing and indexing notarial statement\$2.00
8 For making copy of any file or record, by the clerk, the clerk shall
9 charge and receive, per page\$1.00
10 For comparing and conforming a prepared copy of any file or record, the
11 clerk shall charge and receive, per page \$.50
12 For certifying the same an additional fee for certificate and seal
13\$1.00
14 For all services not herein enumerated, and of him lawfully required,
15 the clerk of the district court shall demand and receive such fees as are
16 herein allowed for similar services.

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

20 (3) In addition to all other fines, forfeitures and costs levied by the
21 court, the clerk of the district court shall collect ten dollars (\$10.00) as
22 an administrative surcharge fee on each criminal case, including a first-
23 time infraction under section 23-604 or 23-949, Idaho Code, and five dollars
24 (\$5.00) on each other infractions to be paid over to the county treasurer at
25 the same time and in the same manner as other fees, for the support of the
26 county justice fund, or the current expense fund if no county justice fund
27 has been established, and shall collect ten dollars (\$10.00) as an adminis-
28 trative surcharge fee on each civil case, including each appeal, to be paid
29 over to the county treasurer for the support of the county court facilities
30 fund, or to the district court fund if no county court facilities fund has
31 been established.

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

35 (5) Provided further, in addition to all other fines, forfeitures and
36 costs levied by the court, the clerk of the district court shall collect ten
37 dollars (\$10.00) as a court technology fee on each criminal and infraction
38 offense to be paid over to the county treasurer who shall, within five (5)
39 days after the end of the month, pay such fee to the state treasurer for de-
40 posit into the court technology fund.

41 SECTION 7. That Section 31-3201A, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 31-3201A. COURT FEES. The clerk of the district court in addition to
44 the fees and charges imposed by chapter 20, title 1, Idaho Code, and by sec-
45 tion 31-3201, Idaho Code, and in addition to the fee levied by chapter 2, ti-
46 tle 73, Idaho Code, shall charge, demand and receive the following fees for
47 services rendered by him in discharging the duties imposed upon him by law:

48 (1) Civil cases. A fee of one hundred seventy-five dollars (\$175) for
49 filing a civil case of any type in the district court, except for those cases

1 to be assigned to the magistrate's division of the district court for which
2 the fee shall be one hundred twenty dollars (\$120), with the following excep-
3 tions:

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

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

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

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

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

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

13 (v) Petitions for sterilization;

14 (vi) Petitions for judicial consent to abortion;

15 (vii) Registration of trusts and renunciations;

16 (viii) Petitions for leave to compromise the disputed claim of a
17 minor;

18 (ix) Petitions for a civil protection order or to enforce a for-
19 eign civil protection order pursuant to chapter 63, title 39,
20 Idaho Code;

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

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

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

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

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

30 The filing fee shall be distributed as follows: seventeen dollars (\$17.00)
31 of such filing fee shall be paid to the county treasurer for deposit in the
32 district court fund of the county; one hundred thirty-five dollars (\$135)
33 of such filing fee, or in a case assigned to the magistrate division of the
34 district court eighty dollars (\$80.00) of such filing fee, shall be paid to
35 the county treasurer who shall, within five (5) days after the end of the
36 month, pay such fees to the state treasurer for deposit into the court tech-
37 nology fund; seventeen dollars (\$17.00) of such filing fee shall be paid to
38 the county treasurer who shall pay such fees to the state treasurer for de-
39 posit in accordance with subsection (15) of this section; and six dollars
40 (\$6.00) of such filing fee shall be paid to the county treasurer who shall,
41 within five (5) days after the end of the month, pay such fees to the state
42 treasurer for deposit in the senior magistrate judges fund.

43 (2) Felonies and misdemeanors. A fee of seventeen dollars and fifty
44 cents (\$17.50) shall be paid, but not in advance, by each person found guilty
45 of any felony or misdemeanor, except when the court orders such fee waived
46 because the person is indigent and unable to pay such fee. If the magistrate
47 court facilities are provided by the county, five dollars (\$5.00) of such fee
48 shall be paid to the county treasurer for deposit in the district court fund
49 of the county; and twelve dollars and fifty cents (\$12.50) of such fee shall
50 be paid to the county treasurer who shall pay such fees to the state treasurer

1 for deposit in accordance with subsection (15) of this section. If the mag-
2 istrate court facilities are provided by a city, five dollars (\$5.00) of such
3 fee shall be paid to the city treasurer for deposit in the city general fund,
4 two dollars and fifty cents (\$2.50) of such fee shall be paid to the city
5 treasurer for deposit in the city capital facilities fund for the construc-
6 tion, remodeling and support of magistrate court facilities, and ten dollars
7 (\$10.00) of such fee shall be paid to the county treasurer who shall pay such
8 fees to the state treasurer for deposit in accordance with subsection (15) of
9 this section.

10 (3) Infractions. A fee of sixteen dollars and fifty cents (\$16.50)
11 shall be paid, but not in advance, by each person found to have committed an
12 infraction or any minor traffic, conservation or ordinance violation, and
13 a fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not
14 in advance, by each person found to have committed a first-time infraction
15 under section 23-604 or 23-949, Idaho Code, and distributed pursuant to
16 subsection (2) of this section; provided that the judge or magistrate may
17 in his or her discretion consolidate separate nonmoving traffic offenses
18 into one (1) offense for purposes of assessing such fee. If the magistrate
19 court facilities are provided by the county, five dollars (\$5.00) of such
20 fee shall be paid to the county treasurer for deposit in the district court
21 fund of the county; and eleven dollars and fifty cents (\$11.50) of such fee
22 shall be paid to the county treasurer, who shall pay such fees to the state
23 treasurer for deposit in accordance with subsection (15) of this section. If
24 the magistrate court facilities are provided by a city, five dollars (\$5.00)
25 of such fee shall be paid to the city treasurer for deposit in the city gen-
26 eral fund, two dollars and fifty cents (\$2.50) of such fee shall be paid to
27 the city treasurer for deposit in the city capital facilities fund for the
28 construction, remodeling and support of magistrate court facilities, and
29 nine dollars (\$9.00) of such fee shall be paid to the county treasurer who
30 shall pay such fees to the state treasurer for deposit in accordance with
31 subsection (15) of this section.

32 (4) Initial appearance other than plaintiff. A fee of one hundred dol-
33 lars (\$100) shall be paid for any filing constituting the initial appearance
34 by a party, except the plaintiff, in any civil action in the district court
35 or in the magistrate's division of the district court, except small claims.
36 If two (2) or more parties are making their initial appearance in the same
37 filing, then only one (1) filing fee shall be collected. Of such fee, four
38 dollars (\$4.00) shall be paid to the county treasurer for deposit in the dis-
39 trict court fund of the county; eighty dollars (\$80.00) of such fee shall be
40 paid to the county treasurer who shall, within five (5) days after the end
41 of the month, pay such fees to the state treasurer for deposit into the court
42 technology fund; ten dollars (\$10.00) of such fee shall be paid to the county
43 treasurer who shall pay such fees to the state treasurer for deposit in ac-
44 cordance with subsection (15) of this section; and six dollars (\$6.00) of
45 such fee shall be paid to the county treasurer who shall, within five (5) days
46 after the end of the month, pay such fees to the state treasurer for deposit
47 in the senior magistrate judges fund.

48 (5) Accountings. A fee of nine dollars (\$9.00) shall be paid by the per-
49 son or persons required to make an account pursuant to title 15, Idaho Code,

1 at the time such account is filed. All of such fee shall be paid to the county
2 treasurer for deposit in the district court fund of the county.

3 (6) Distribution of estate. A fee of twenty-five dollars (\$25.00)
4 shall be paid upon the filing of a petition of the executor or administrator
5 or of any person interested in an estate for the distribution of such estate,
6 six dollars (\$6.00) of such fee shall be paid to the county treasurer for
7 deposit in the district court fund of the county; thirteen dollars (\$13.00)
8 of such fee shall be paid to the county treasurer who shall pay such fees to
9 the state treasurer for deposit in accordance with subsection (15) of this
10 section; and six dollars (\$6.00) of such fee shall be paid to the county
11 treasurer who shall, within five (5) days after the end of the month, pay such
12 fees to the state treasurer for deposit in the senior magistrate judges fund.

13 (7) Third party claim. A fee of fourteen dollars (\$14.00) shall be paid
14 by a party filing a third party claim as defined in the Idaho rules of civil
15 procedure. Eight dollars (\$8.00) of such fee shall be paid to the county
16 treasurer for deposit in the district court fund of the county; and six dol-
17 lars (\$6.00) of such fee shall be paid to the county treasurer who shall,
18 within five (5) days after the end of the month, pay such fees to the state
19 treasurer for deposit in the senior magistrate judges fund.

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

26 (9) Change of venue. A fee of twenty-nine dollars (\$29.00) shall be
27 paid by a party initiating a change of venue. Such fee shall be paid to the
28 clerk of the court of the county to which venue is changed. Nine dollars
29 (\$9.00) of such fee shall be paid to the county treasurer for deposit in the
30 district court fund of the county and twenty dollars (\$20.00) of such fee
31 shall be paid to the county treasurer who shall, within five (5) days after
32 the end of the month, pay such fees to the state treasurer for deposit into
33 the court technology fund.

34 (10) Reopening a case.

35 (a) A fee of eighty-five dollars (\$85.00) shall be paid by any party
36 appearing after judgment or applying to reopen a case. Nine dollars
37 (\$9.00) of such fee shall be paid to the county treasurer for deposit
38 in the district court fund of the county; six dollars (\$6.00) of such
39 fee shall be paid to the county treasurer who shall, within five (5)
40 days after the end of the month, pay such fees to the state treasurer
41 for deposit in the senior magistrate judges fund; and seventy dollars
42 (\$70.00) of such fee shall be paid to the county treasurer who shall,
43 within five (5) days after the end of the month, pay such fees to the
44 state treasurer for deposit into the court technology fund.

45 (b) A fee of one hundred eight dollars (\$108) shall be paid by a party
46 applying to reopen a divorce action or modify a divorce decree, with
47 seventeen dollars (\$17.00) of the fee to be paid to the county treasurer
48 for deposit in the district court fund of the county; fifteen dollars
49 (\$15.00) of such fee to be paid to the county treasurer who shall pay
50 such fees to the state treasurer for deposit in accordance with subsec-

1 tion (15) of this section; six dollars (\$6.00) of such fee to be paid to
2 the county treasurer who shall, within five (5) days after the end of the
3 month, pay such fees to the state treasurer for deposit in the senior
4 magistrate judges fund; and seventy dollars (\$70.00) of such fee shall
5 be paid to the county treasurer who shall, within five (5) days after the
6 end of the month, pay such fees to the state treasurer for deposit into
7 the court technology fund.

8 (c) When the application to reopen a case consists only of a motion or
9 other pleading to revive or renew a judgment, a fee of twenty-nine dol-
10 lars (\$29.00) shall be paid by the party filing the motion or pleading.
11 Nine dollars (\$9.00) of such fee shall be paid to the county treasurer
12 for deposit in the district court fund of the county and twenty dollars
13 (\$20.00) of such fee shall be paid to the county treasurer who shall,
14 within five (5) days after the end of the month, pay such fees to the
15 state treasurer for deposit into the court technology fund.

16 (11) Appeal to district court. A fee of thirty-five dollars (\$35.00)
17 shall be paid by a party taking an appeal from the magistrate's division of
18 the district court to the district court; nine dollars (\$9.00) of such fee
19 shall be paid to the county treasurer for deposit in the district court fund
20 of the county; six dollars (\$6.00) of such fee shall be paid to the county
21 treasurer who shall, within five (5) days after the end of the month, pay such
22 fees to the state treasurer for deposit in the senior magistrate judges fund;
23 and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer
24 who shall, within five (5) days after the end of the month, pay such fees to
25 the state treasurer for deposit into the court technology fund. No addi-
26 tional fee shall be required if a new trial is granted.

27 (12) Appeal to supreme court. A fee of thirty-five dollars (\$35.00)
28 shall be paid by the party taking an appeal from the district court to the
29 supreme court for comparing and certifying the transcript on appeal, if such
30 certificate is required. Nine dollars (\$9.00) of such fee shall be paid to
31 the county treasurer for deposit in the district court fund of the county;
32 six dollars (\$6.00) of such fee shall be paid to the county treasurer who
33 shall, within five (5) days after the end of the month, pay such fees to the
34 state treasurer for deposit in the senior magistrate judges fund; and twenty
35 dollars (\$20.00) of such fee shall be paid to the county treasurer who shall,
36 within five (5) days after the end of the month, pay such fees to the state
37 treasurer for deposit into the court technology fund.

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

41 (14) All fees required to be paid by this section or by rule or admin-
42 istrative order of the supreme court shall be collected by the clerk of the
43 district court or by a person appointed by the clerk of the district court
44 for this purpose. If it appears that there is a necessity for such fees to
45 be collected by persons other than the clerk of the district court or a per-
46 son designated by the clerk for such purpose, the supreme court by rule or
47 administrative order may provide for the designation of persons authorized
48 to receive such fees. Persons so designated shall account for such fees in
49 the same manner required of the clerk of the district court and shall pay such

1 fees to the clerk of the district court of the county in which such fees are
2 collected.

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

13 (16) Of the fees derived from the filing of any divorce action required
14 to be transmitted to the state treasurer, the county treasurer shall retain
15 five dollars (\$5.00), which shall be separately identified and deposited in
16 the district court fund of the county. Such moneys shall be used exclusively
17 for the purpose of establishing a uniform system of qualifying and approving
18 persons, agencies or organizations to conduct evaluations of persons con-
19 victed of domestic assault or battery as provided in section 18-918, Idaho
20 Code, and the administration of section 18-918(7), Idaho Code, relating to
21 the evaluation and counseling or other treatment of such persons, includ-
22 ing the payment of the costs of evaluating and counseling or other treatment
23 of an indigent defendant. No provision of chapter 52, title 39, Idaho Code,
24 shall apply to the moneys provided for in this subsection.

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

30 SECTION 8. That Section 31-3201H, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 31-3201H. SURCHARGE FEE. (1) The court shall charge a surcharge fee to
33 be paid by each defendant for each criminal offense or infraction committed
34 on or after April 15, 2010, for which the defendant is found or pleads guilty.
35 Such fee shall be in addition to all other fines and fees levied.

36 (2) The amount of the surcharge fee shall be as follows:

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

38 (b) For each misdemeanor, and for each first-time infraction under
39 section 23-604 or 23-949, Idaho Code, the fee shall be fifty dollars
40 (\$50.00); and

41 (c) For each infraction, except each first-time infraction under sec-
42 tion 23-604 or 23-949, Idaho Code, the fee shall be ten dollars (\$10.00).

43 (3) The fee shall be collected by the clerk of the district court and
44 shall be paid to the county treasurer, who shall, within five (5) days after
45 the end of the month, pay such fees to the state treasurer, who shall deposit
46 eighty percent (80%) of such fees in the drug court, mental health court and
47 family court services fund created by section 1-1625, Idaho Code, and twenty
48 percent (20%) of such fees in the court technology fund created by section
49 1-1623, Idaho Code.

1 SECTION 9. That Section 31-3204, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 31-3204. VICTIM NOTIFICATION -- FEE. The court shall charge a fee of
4 fifteen dollars (\$15.00) for victim notification purposes to be paid by each
5 person found guilty of each felony ~~or~~, misdemeanor or first-time infraction
6 under section 23-604 or 23-949, Idaho Code, except when the court orders such
7 fee waived because the person is indigent and unable to pay such fee. Such
8 fee shall be in addition to all other fines and fees levied. Such fee shall
9 be paid to the county treasurer who shall, within five (5) days after the end
10 of the month, pay such fees to the state treasurer for deposit in the state
11 victim notification fund established in section 67-2912, Idaho Code.

12 SECTION 10. That Section 72-1025, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 72-1025. FINES -- REIMBURSEMENTS -- PRIORITY -- DISPOSITION. (1) In
15 addition to any other fine which may be imposed upon each person found guilty
16 of criminal activity, the court shall impose a fine or reimbursement accord-
17 ing to the following schedule, unless the court orders that such fine or re-
18 imbursement be waived only when the defendant is indigent and at the time of
19 sentencing shows good cause for inability to pay and written findings to that
20 effect are entered by the court:

21 (a) For each conviction or finding of guilt of each felony count, a fine
22 or reimbursement of not less than seventy-five dollars (\$75.00) per
23 felony count;

24 (b) For each conviction or finding of guilt of each misdemeanor count, a
25 fine or reimbursement of thirty-seven dollars (\$37.00) per misdemeanor
26 count;

27 (c) For each first-time conviction or finding of guilt of an infraction
28 under section 23-604 or 23-949, Idaho Code, a fine or reimbursement of
29 thirty-seven dollars (\$37.00) per count;

30 (d) In addition to any fine or reimbursement ordered under subsection
31 (a) or (b) above of this section, the court shall impose a fine or re-
32 imbursement of not less than three hundred dollars (\$300) per count
33 for any conviction or finding of guilt for any sex offense, including,
34 but not limited to, offenses pursuant to sections 18-1506, 18-1507,
35 18-1508, 18-1508A, 18-6101, 18-6108, 18-6605 and 18-6608, Idaho Code.

36 (2) The fine or reimbursement imposed under the provisions of this sec-
37 tion shall have priority over all other judgments of the court, except an or-
38 der to pay court costs.

39 (3) Notwithstanding the provisions of section 19-4705, Idaho Code, the
40 fines or reimbursements imposed under the provisions of this section shall
41 be paid into the crime victims compensation account.

42 SECTION 11. That Section 72-1105, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 72-1105. FUND ESTABLISHED -- FINES -- PRIORITY -- DISPOSITION. (1) The
45 peace officer and detention officer temporary disability fund is hereby cre-
46 ated in the state treasury and shall be administered by the industrial com-

1 mission for the purpose of providing a full rate of salary for any peace offi-
2 cer or detention officer who is injured while engaged in those activities as
3 provided in section 72-1104, Idaho Code, and is thereby temporarily incapac-
4 itated from performing his or her duties. Moneys shall be paid into the fund
5 as provided by law and shall consist of fines collected pursuant to subsec-
6 tion (2) of this section, appropriations, gifts, grants, donations and in-
7 come from any other source. Moneys in the fund may be appropriated only for
8 the purposes of this chapter, which shall include administrative expenses.
9 The treasurer shall invest all idle moneys in the fund. Any interest earned
10 on the investment of idle moneys shall be returned to the fund.

11 (2) In addition to any other fine that may be imposed upon each per-
12 son found guilty of criminal activity, the court shall impose a fine in the
13 amount of three dollars (\$3.00) for each conviction or finding of guilt of
14 each felony or misdemeanor count, or for each conviction or finding of guilt
15 of a first-time infraction under section 23-604 or 23-949, Idaho Code, un-
16 less the court orders that such fine be waived only when the defendant is in-
17 digent and at the time of sentencing shows good cause for inability to pay and
18 written findings to that effect are entered by the court.

19 (3) Except as otherwise provided in section 72-1025, Idaho Code, the
20 fine imposed under this section shall have priority over all other judgments
21 of the court, except an order to pay court costs.

22 (4) Notwithstanding the provisions of section 19-4705, Idaho Code, the
23 fines imposed under this section shall be paid into the peace officer and de-
24 tention officer temporary disability fund.