

STATEMENT OF PURPOSE

RS24405C2

This proposed legislation reclassifies a first offense for under age alcohol possession or consumption from a misdemeanor to an infraction. 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. The recommendation for a first offense infraction originated from the Misdemeanor Reclassification Subcommittee of the Criminal Justice Commission.

The proposed legislation also clarifies that section 23-604 Idaho Code governs consumption, possession and purchase offenses while section 23-949, Idaho Code governs underage selling, serving and dispensing offenses. Reference to infraction offenses for alcohol age violations are consolidated into section 18-1502, Idaho Code. The infraction offense under section 23-604, Idaho Code is treated as a status offense under section 20-516, Idaho Code allowing a peace officer to place a juvenile in a juvenile shelter care facility, but not a jail facility.

Provision is also made for payment of certain fees normally associated with a misdemeanor offense to avoid diversion of funds away from the Crime Victims' Fund and Drug and Mental Health Courts normally funded through court fees on misdemeanors and felonies.

FISCAL NOTE

The fiscal impact to revenue derived from fines and fees statewide is estimated to be a decrease of \$19,510 annually to the General Fund. The impact upon the District Court Fund is unclear. This depends upon the actual fine amount currently being imposed under misdemeanor charges. Some information indicates it may average \$500. Other information indicates it may average the current fine rate of \$300. At \$500 the impact would be a loss of \$241,405.95 to the District Court Fund spread across the 44 counties. At \$300 it would be a wash. It will depend in each county upon what the average in that county has been. Other funds are estimated to have a slight increase due to the fee shift in the bill as follows: \$2,019 to POST Fund, \$7,620 to County Justice or Current Expense Funds, \$12,815 to Crime Victim's Fund, \$6,927 to Court Technology Fund, \$1,039 to Peace Officer and Detention Officer Temporary Disability Fund, \$13,854 to Drug and Mental Health Courts, \$5,195 to Victim Notification Fund. Although the fees will be higher than other infractions, the fees will be the same as are currently charged for a misdemeanor conviction.

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