

MINUTES
HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

DATE: Monday, February 01, 2016
TIME: 1:30 P.M.
PLACE: Room EW42
MEMBERS: Chairman Wills, Vice Chairman Dayley, Representatives Luker, McMillan, Perry, Sims, Malek, Trujillo, McDonald, Cheatham, Kerby, Nate, Scott, Gannon, McCrostie, Nye, Wintrow
**ABSENT/
EXCUSED:** Representative(s) Kerby, Trujillo
GUESTS: Michael Henderson, Idaho Supreme Court; Greg Casey, Veritas Advisors; Holly Koole Rebholtz, IPAA; Kerry Hong, ISC.

Chairman Wills called the meeting to order at 1:30 PM.

RS 24139C1: **Michael Henderson**, legal counsel for the Idaho Supreme Court, presented **RS 24139C1**. The proposed legislation provides direction for the Courts to prioritize payments received. When an offender makes a partial payment toward the fines, fees, costs and restitution they have been ordered to pay by the court, the Clerk of the Court must have guidance in order to know which debts should be paid first. In order to do so, "court costs" must be defined in statute, misdemeanor probation supervision fees must receive the same priority as the felony probation supervision fees, and all payments, other than some restitution payments, must be made through the Clerk of the Court. These changes are essential for the operation of the Odyssey Court Management System which will ensure payments are tracked and given the proper priority.

MOTION: **Rep. McDonald** made a motion to introduce **RS 24139C1**.
In response to questions from the committee, **Mr. Henderson** explained the current priority of payments is not in rule and is generally adopted by vote or order of the Supreme Court each year. The priority of payments has not been incorporated into rule and has been updated on a yearly basis depending on the Legislature's enactment of fees or costs. Restitution payments made using the alternate method of payment are difficult to track. Payments made in accordance with Idaho Code 20-209H are a high priority payment, and will be simpler to track. Although restitution payments made directly to the victim are not a regular occurrence, they are very difficult to track. However, efforts are being made to track these payments. An attorney could advise their client to make the restitution payment first, outside of the court because this payment receives a higher priority. It is imperative that a process is established to record payments made outside of the courts. This proposed legislation does not change the options currently available for making restitution payments.

VOTE ON MOTION: **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:01 PM.

Representative Wills
Chair

Katie Butcher
Secretary