

PRIORITY OF PAYMENTS – STATUTES

1984 – I.C. § 19-5302 – “There shall be a full restitution to such victim or victims before the court may order any payment be made by the defendant to any governmental entity.”

1986 – I.C. § 19-5302 – “provided, however, the court may order the defendant to make the payments required in sections 20-225 and/or 20-614(7), Idaho Code, before any payment of restitution is made to the victim or victims.”

1986 – I.C. § 72-1025(2) – Payments to the Victims Compensation Account “shall have priority over all other judgments of the court, except an order to pay court costs.”

2007 – I.C. § 72-1105(3) – Fee for the Peace Officers and Detention Officer Temporary Disability Fund, “except as otherwise provided in section 72-1025 . . . shall have priority over all other judgments of the court, except an order to pay court costs.”

PRIORITY OF PAYMENTS TO BE ORDERED AT SENTENCING

1. \$17.50 court costs for felonies and misdemeanors (\$12.50 distributed 86% to general fund and 14% to P.O.S.T. Fund, and \$5.00 to district court fund; if magistrate court facilities are provided by the city, then \$10.00 distributed 86% to general fund and 14% to P.O.S.T. Fund, \$5.00 to city general fund and \$2.50 to city capital facilities fund) (I.C. § 31-3201A(2)).

\$16.50 court costs for infractions (\$11.50 distributed 86% to general fund and 14% to P.O.S.T. Fund, and \$5.00 to district court fund; if magistrate court facilities are provided by the city, then \$9.00 distributed 86% to general fund and 14% to P.O.S.T. Fund, \$5.00 to city general fund and \$2.50 to city capital facilities fund) (I.C. § 31-3201A(3)).

2. Victims' Compensation Account (I.C. § 72-1025): Unless the court makes a finding of inability to pay, \$37.00 fine or reimbursement for each misdemeanor count; \$75.00 fine or reimbursement for each felony count. In addition to the \$37.00 misdemeanor and \$75.00 felony fine or reimbursement, there is a fine or reimbursement of not less than \$300.00 per count for any conviction or finding of guilt for any sex offense, including, but not limited to, offenses under I.C. §§ 18-1506, 18-1507, 18-1508, 18-1508A, 18-6101, 18-6108, 18-6605, and 18-6608.
3. Peace Officer and Detention Officer Temporary Disability Fund (I.C. § 72-1105): Unless the court makes a finding of inability to pay, \$3.00 fine for each felony or misdemeanor count.
4. State probation or parole supervision fee (I.C. § 20-225) or work release reimbursement to county jails (I.C. § 20-614).
5. Restitution to crime victim. (I.C. § 19-5302).
6. Emergency surcharge fee (I.C. § 31-3201H): a fee of \$100.00 for each felony count, \$50.00 for each misdemeanor count, and \$10.00 for each infraction .
7. \$10.00 court technology fee. (I.C. § 31-3201(5))
8. Victim Notification Fund Fee (I.C. § 31-3204): \$15.00 for each felony and misdemeanor count.
9. Community service fee (I.C. § 31-3201C).
10. County misdemeanor probation supervision fee. (I.C. § 31-3201D)
11. Problem solving court fee. (I.C. § 31-3201E)

12. \$15.00 P.O.S.T. Academy fee. (I.C. § 31-3201B)
13. Domestic Violence Court fee. For persons who are found guilty of the offenses specified in I.C. § 32-1410, a \$30.00 fee to be deposited in the Statewide Drug Court, Mental Health Court and Family Court Services Fund.
14. Statutory reimbursement of public defender costs. (I.C. § 19-854(c))
15. Costs of prosecution ordered as condition of probation. (I.C. § 19-2601)
16. \$10.00 domestic violence fine. For persons who violate a domestic violence protective order (a misdemeanor), the first \$10.00 of the criminal fine is to be distributed to the domestic violence project account (I.C. § 39-5212), as provided in I.C. § 39-6312.
17. Criminal fine.
18. Presentence Investigation Fee (I.C. § 19-2516): In those cases in which a presentence investigation is ordered, an amount up to \$100.00 to be determined by the Department of Correction.
19. \$10.00 Drug Hotline Fee. For persons who violate the provisions of title 37, chapter 27, a \$10.00 fine to be deposited in the Drug Enforcement Donation Fund (I.C. § 57-816), as provided in I.C. § 37-2735A.
20. Additional \$7.50 fine for fish and game violations (I.C. § 36-1405), to be deposited to the search and rescue account (I.C. § 67-2913).
21. \$10.00 county administrative surcharge fee on each criminal case, \$5.00 on each infraction, for deposit to the county justice fund (I.C. § 31-4602), or to county current expense fund where no county justice fund has been established. (I.C. § 31-3201)
22. \$15.00 surcharge on DUI and DWP convictions or withheld judgments, for deposit in the court interlock device and electronic monitoring device fund. (I.C. § 18-8010)
23. For convictions or withheld judgments for violations of title 37, chapter 27, or for racketeering (I.C. § 18-7804) or money laundering (I.C. § 18-8201), restitution pursuant to court order for law enforcement costs incurred. (I.C. § 37-2732(k))
24. Restitution of no less than \$50.00 for the repair or replacement of simulated wildlife, to be paid by persons pleading or found guilty of attempting to take simulated wildlife. (I.C. § 36-1101(b)(7))

25. \$150.00 Abandoned Vehicle Fee for infractions in violation of I.C. § 49-1802, to be transmitted to the Abandoned Vehicle Trust Account created by I.C. § 49-1818. (I.C. § 31-3201F)