

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 97

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO ATTORNEY'S FEES; PROVIDING LEGISLATIVE INTENT; AMENDING SEC-  
2 TION 12-121, IDAHO CODE, TO REVISE PROVISIONS REGARDING ATTORNEY'S FEES  
3 IN CIVIL ACTIONS; REPEALING SECTION 1, CHAPTER 263, LAWS OF 1987; AND  
4 DECLARING AN EMERGENCY.  
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature, by  
8 enactment of this legislation, to reinstate and make no change to Idaho law  
9 on attorney's fees as it existed before the Idaho Supreme Court's decision in  
10 *Hoffer v. Shappard*, 2016 Opinion No. 105, September 28, 2016. To accomplish  
11 that goal, it is the Legislature's intent that this legislation be construed  
12 in harmony with Idaho Supreme Court decisions on attorney's fees that were  
13 issued before *Hoffer v. Shappard*.

14 SECTION 2. That Section 12-121, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 12-121. ATTORNEY'S FEES. In any civil action, the judge may award rea-  
17 sonable attorney's fees to the prevailing party or parties, ~~provided that~~  
18 this when the judge finds that the case was brought, pursued or defended  
19 frivolously, unreasonably or without foundation. This section shall not al-  
20 ter, repeal or amend any statute ~~which~~ that otherwise provides for the award  
21 of attorney's fees. The term "party" or "parties" is defined to include any  
22 person, partnership, corporation, association, private organization, the  
23 state of Idaho or political subdivision thereof.

24 SECTION 3. That Section 1, Chapter 263, Laws of 1987, be, and the same is  
25 hereby repealed.

26 SECTION 4. An emergency existing therefor, which emergency is hereby  
27 declared to exist, this act shall be in full force and effect on and after its  
28 passage and approval.