

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 530

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO COURTS; AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDI-
2 TION OF A NEW SECTION 31-3201I, IDAHO CODE, TO PROVIDE FOR DISTRIBUTION
3 OF PAYMENTS IN CRIMINAL CASES; AMENDING SECTION 19-5302, IDAHO CODE, TO
4 REMOVE A PROVISION REGARDING RESTITUTION PRIORITY AND TO MAKE A TECH-
5 NICAL CORRECTION; AMENDING SECTION 72-1025, IDAHO CODE, TO REMOVE A
6 PROVISION REGARDING PRIORITY OF PAYMENT AND TO REMOVE SURPLUS VERBIAGE;
7 AND AMENDING SECTION 72-1105, IDAHO CODE, TO REMOVE A PROVISION REGARD-
8 ING PRIORITY OF PAYMENT.
9

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

11 SECTION 1. That Chapter 32, Title 31, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 31-3201I, Idaho Code, and to read as follows:

14 31-3201I. DISTRIBUTION OF PAYMENTS IN CRIMINAL CASES. When ordered by
15 the court to make one (1) of the following payments in a criminal case, a de-
16 fendant shall make the payment to the clerk of the court in which the judg-
17 ment was entered. The judgment shall be satisfied accordingly by entry in
18 the electronic docket of the court, and the clerk of the court shall remit
19 daily all such payments to the county auditor who shall, at least monthly,
20 distribute the payments received as required by statute. The distributions
21 shall first completely satisfy the amounts due in the following order before
22 distribution of payments for any other amounts owed to the court:

23 (1) Fees for each felony, misdemeanor and infraction paid pursuant to
24 section 31-3201A(2), Idaho Code;

25 (2) Fines or reimbursements paid for the crime victims compensation ac-
26 count pursuant to section 72-1025, Idaho Code;

27 (3) Misdemeanor probation supervision fees paid pursuant to section
28 31-3201D, Idaho Code;

29 (4) County drug and mental health fund fees paid pursuant to section
30 31-3201E, Idaho Code;

31 (5) Fines paid for the peace officer and detention officer temporary
32 disability fund pursuant to section 72-1105, Idaho Code;

33 (6) Restitution to victims of crime paid pursuant to section 19-5304,
34 Idaho Code, if paid through the clerk of the court;

35 (7) Community service fees paid pursuant to section 31-3201C, Idaho
36 Code;

37 (8) Victim notification fund fees paid pursuant to section 31-3204,
38 Idaho Code;

39 (9) Court technology fees paid pursuant to section 31-3201(5), Idaho
40 Code;

41 (10) Surcharge fees paid pursuant to section 31-3201H, Idaho Code;

- 1 (11) Peace officers standards and training fees paid pursuant to sec-
 2 tion 31-3201B, Idaho Code;
- 3 (12) Domestic violence court fees paid pursuant to section 32-1410,
 4 Idaho Code;
- 5 (13) Criminal fines;
- 6 (14) Reimbursement for public defender costs paid pursuant to section
 7 19-854(7), Idaho Code;
- 8 (15) Costs of prosecution ordered as a condition of probation and paid
 9 pursuant to section 19-2601, Idaho Code, and Idaho criminal rule 33(d) (2);
- 10 (16) Domestic violence fines for the domestic violence project account
 11 paid pursuant to section 39-6312, Idaho Code;
- 12 (17) Drug hotline fees paid pursuant to section 37-2735A, Idaho Code;
- 13 (18) Additional fish and game fines for the search and rescue account
 14 paid pursuant to section 36-1405, Idaho Code;
- 15 (19) County administrative surcharge fees paid pursuant to section
 16 31-3201(3), Idaho Code;
- 17 (20) Motor vehicle violation surcharge fees and ignition interlock and
 18 electronic monitoring fees paid pursuant to sections 18-8008 and 18-1810,
 19 Idaho Code;
- 20 (21) Costs for toxicology testing paid pursuant to section 37-2732C(g),
 21 Idaho Code;
- 22 (22) Costs incurred by law enforcement agencies in investigating vio-
 23 lations of the racketeering act or money laundering and illegal investment
 24 provisions paid pursuant to section 37-2732(k), Idaho Code;
- 25 (23) Restitution for the repair or replacement of simulated wildlife
 26 paid pursuant to section 36-1101(b) (8), Idaho Code; and
- 27 (24) Abandoned vehicle fees paid pursuant to section 31-3201F, Idaho
 28 Code.

29 SECTION 2. That Section 19-5302, Idaho Code, be, and the same is hereby
 30 amended to read as follows:

31 19-5302. VICTIMS OF CRIME ~~--- RESTITUTION PRIORITY~~. If a district court
 32 or a magistrate's division orders the defendant to pay restitution, the
 33 court shall order the defendant to pay such restitution to the victim or
 34 victims injured by the defendant's action. ~~There shall be a full restitution~~
 35 ~~to such victim or victims before the court may order any payment be made by~~
 36 ~~the defendant to any governmental entity; provided, however, the court may~~
 37 ~~order the defendant to make the payments required in sections 20-225 and/or~~
 38 ~~20-614(7), Idaho Code, before any payment of restitution is made to the vic-~~
 39 ~~tim or victims.~~

40 SECTION 3. That Section 72-1025, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 72-1025. FINES -- REIMBURSEMENTS -- ~~PRIORITY~~ -- DISPOSITION. (1) In
 43 addition to any other fine which may be imposed upon each person found guilty
 44 of criminal activity, the court shall impose a fine or reimbursement accord-
 45 ing to the following schedule, unless the court orders that such fine or re-
 46 imbursement be waived only when the defendant is indigent and at the time of

1 sentencing shows good cause for inability to pay and written findings to that
2 effect are entered by the court:

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

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

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

12 (d) In addition to any fine or reimbursement ordered under paragraph
13 (a) or (b) of this subsection ~~section~~, the court shall impose a fine or
14 reimbursement of not less than three hundred dollars (\$300) per count
15 for any conviction or finding of guilt for any sex offense, including,
16 but not limited to, offenses pursuant to sections 18-1506, 18-1507,
17 18-1508, 18-1508A, 18-6101, 18-6605 and 18-6608, Idaho Code.

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

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

24 SECTION 4. That Section 72-1105, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 72-1105. FUND ESTABLISHED -- FINES -- ~~PRIORITY~~ -- DISPOSITION. (1) The
27 peace officer and detention officer temporary disability fund is hereby cre-
28 ated in the state treasury and shall be administered by the industrial com-
29 mission for the purpose of providing a full rate of salary for any peace offi-
30 cer or detention officer who is injured while engaged in those activities as
31 provided in section 72-1104, Idaho Code, and is thereby temporarily incapac-
32 itated from performing his or her duties. Moneys shall be paid into the fund
33 as provided by law and shall consist of fines collected pursuant to subsec-
34 tion (2) of this section, appropriations, gifts, grants, donations and in-
35 come from any other source. Moneys in the fund may be appropriated only for
36 the purposes of this chapter, which shall include administrative expenses.
37 The treasurer shall invest all idle moneys in the fund. Any interest earned
38 on the investment of idle moneys shall be returned to the fund.

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

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

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