

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 643

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO THE MAGISTRATE'S DIVISION OF THE DISTRICT COURT; AMENDING SEC-  
2 TION 1-2218, IDAHO CODE, TO PROVIDE THAT A CERTAIN OBLIGATION OF A CITY  
3 SHALL BE REDUCED AND TO PROVIDE THAT CERTAIN ORDERS MAY NOT BE MADE;  
4 AMENDING SECTION 23-404, IDAHO CODE, TO PROVIDE FOR THE APPROPRIATION  
5 OF CERTAIN MONEYS, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS;  
6 AMENDING SECTION 31-3201A, IDAHO CODE, TO REVISE HOW CERTAIN FEES  
7 ARE DISTRIBUTED AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION  
8 1-2218, IDAHO CODE, RELATING TO FACILITIES AND EQUIPMENT PROVIDED BY A  
9 CITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.  
10

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

12 SECTION 1. That Section 1-2218, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 1-2218. FACILITIES AND EQUIPMENT PROVIDED BY CITY. Any city in the  
15 state shall, upon order of a majority of the district judges in the judicial  
16 district, provide suitable and adequate quarters for a magistrate's divi-  
17 sion of the district court, including the facilities and equipment necessary  
18 to make the space provided functional for its intended use, and shall provide  
19 for the staff personnel, supplies, and other expenses of the magistrate's  
20 division. For fiscal year 2019, the obligation of any city providing mag-  
21 istrate court facilities pursuant to the provisions of this section, or  
22 pursuant to a city's voluntary agreement with a county, shall be reduced by  
23 twenty percent (20%) for each successive year until fiscal year 2023, at  
24 which point the city's obligation under this section, or a city's voluntary  
25 agreement with a county, is relieved. No new order may be made against a city  
26 pursuant to the provisions of this section.

27 SECTION 2. That Section 23-404, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 23-404. DISTRIBUTION OF MONEYS IN LIQUOR ACCOUNT. (1) The moneys re-  
30 ceived into the liquor account shall be transferred or appropriated as fol-  
31 lows:

32 (a) An amount of money equal to the actual cost of purchase of alcoholic  
33 liquor and payment of expenses of administration and operation of the  
34 division, as determined by the director and certified quarterly to the  
35 state controller, shall be transferred back to the division; provided,  
36 that the amount so transferred back for administration and operation of  
37 the division shall not exceed the amount authorized to be expended by  
38 regular appropriation authorization.

39 (b) From fiscal year 2006 through fiscal year 2009, forty percent (40%)  
40 of the balance remaining after transferring the amounts authorized by

1 paragraph (a) of this subsection shall be transferred or appropriated  
 2 pursuant to this paragraph ~~(b)~~. Beginning in fiscal year 2010, the per-  
 3 centage transferred pursuant to this paragraph ~~(b)~~ shall increase to  
 4 forty-two percent (42%) with an increase of two percent (2%) for each  
 5 subsequent fiscal year thereafter until fiscal year 2014, when such  
 6 percentage shall be fifty percent (50%).

7 (i) For fiscal year 2006 and through fiscal year 2009, one mil-  
 8 lion eight hundred thousand dollars (\$1,800,000) shall be appro-  
 9 priated and paid to the cities and counties as set forth in para-  
 10 graphs (c) (i) and ~~(e)~~ (ii) of this subsection;

11 (ii) Two million eighty thousand dollars (\$2,080,000) shall be  
 12 transferred annually to the substance abuse treatment fund, ~~that~~  
 13 ~~is~~ created in section 23-408, Idaho Code;

14 (iii) Six hundred thousand dollars (\$600,000) shall be trans-  
 15 ferred annually to the state community college account, ~~created~~ in  
 16 section 33-2139, Idaho Code;

17 (iv) One million two hundred thousand dollars (\$1,200,000) shall  
 18 be transferred annually to the public school income fund, ~~as~~ de-  
 19 fined in section 33-903, Idaho Code;

20 (v) Six hundred fifty thousand dollars (\$650,000) shall be  
 21 transferred annually to the cooperative welfare account in the  
 22 dedicated fund;

23 (vi) Six hundred eighty thousand dollars (\$680,000) shall be  
 24 transferred annually to the drug court, mental health court and  
 25 family court services fund;

26 (vii) Four hundred forty thousand dollars (\$440,000) shall be  
 27 transferred annually to the drug and mental health court supervi-  
 28 sion fund ~~that is~~ created in section 23-409, Idaho Code; and

29 (viii) The balance shall be transferred to the general fund.

30 (c) The remainder of the moneys received in the liquor account shall be  
 31 appropriated and paid as follows:

32 (i) For fiscal year 2018, forty percent (40%) of the balance  
 33 remaining after the transfers authorized by paragraphs (a) and (b)  
 34 of this subsection have been made is hereby appropriated to and  
 35 shall be paid to the several counties. For fiscal year 2019, the  
 36 amount apportioned to counties shall decrease to thirty-nine and  
 37 two-tenths percent (39.2%) with a decrease of eight-tenths per-  
 38 cent (.8%) for each subsequent fiscal year thereafter until fiscal  
 39 year 2023 when such percentage shall be thirty-six percent (36%).  
 40 Each county shall be entitled to an amount in the proportion  
 41 that liquor sales through the division in that county during the  
 42 state's previous fiscal year bear to total liquor sales through  
 43 the division in the state during the state's previous fiscal year,  
 44 except that no county shall be entitled to an amount less than that  
 45 county received in distributions from the liquor account during  
 46 the state's fiscal year 1981.

47 (ii) For fiscal year 2018, sixty percent (60%) of the balance re-  
 48 maining after the transfers authorized by paragraphs (a) and (b)  
 49 of this subsection have been made is hereby appropriated to and  
 50 shall be paid to the several cities. For fiscal year 2019, the

1 amount apportioned to the several cities shall decrease to fifty-  
 2 seven and eight-tenths percent (57.8%) with a decrease of two and  
 3 two-tenths percent (2.2%) for each subsequent fiscal year there-  
 4 after until fiscal year 2023 when such percentage shall be forty-  
 5 nine percent (49%). Amounts paid to the several cities shall be  
 6 distributed as follows:

7 1. Ninety percent (90%) of the amount appropriated to the  
 8 cities shall be distributed to those cities that have a  
 9 liquor store or distribution station located within the cor-  
 10 porate limits of the city. Each such city shall be entitled  
 11 to an amount in the proportion that liquor sales through the  
 12 division in that city during the state's previous fiscal  
 13 year bear to total liquor sales through the division in the  
 14 state during the state's previous fiscal year, except that  
 15 no city shall be entitled to an amount less than that city  
 16 received in distributions from the liquor account during the  
 17 state's fiscal year 1981;

18 2. Ten percent (10%) of the amount appropriated to the  
 19 cities shall be distributed to those cities that do not have  
 20 a liquor store or distribution station located within the  
 21 corporate limits of the city. Each such city shall be enti-  
 22 tled to an amount in the proportion that that city's popula-  
 23 tion bears to the population of all cities in the state that  
 24 do not have a liquor store or distribution station located  
 25 within the corporate limits of the city, except that no city  
 26 shall be entitled to an amount less than that city received  
 27 in distributions from the liquor account during the state's  
 28 fiscal year 1981.

29 (iii) For fiscal year 2019, an additional amount of three percent  
 30 (3%) of the balance remaining after the transfers authorized by  
 31 paragraphs (a) and (b) of this subsection have been made is hereby  
 32 appropriated to the several counties for deposit in the district  
 33 court fund. Such funds shall be dedicated to provide for the suit-  
 34 able and adequate quarters of the magistrate's division of the  
 35 district court, including the facilities and equipment necessary  
 36 to make the space provided functional for its intended use, and  
 37 shall provide for the staff personnel, supplies and other expenses  
 38 of the magistrate's division. For fiscal year 2020, the amount  
 39 apportioned to the several counties for deposit in the district  
 40 court fund shall be six percent (6%) with an increase of three per-  
 41 cent (3%) for each subsequent year until fiscal year 2023 when such  
 42 percentage shall be fifteen percent (15%). Amounts paid to the  
 43 several counties shall be distributed as follows:

44 1. The first four hundred forty thousand dollars (\$440,000)  
 45 shall be distributed to each of the forty-four (44) counties  
 46 in equal amounts;

47 2. Fifty percent (50%) of the remaining funds shall be dis-  
 48 tributed to the forty-four (44) counties in proportion to  
 49 the population of the county in relation to the population of

1           the state using the American community survey, one (1) year  
 2           estimate, United States census bureau; and

3           3. Fifty percent (50%) of the remaining funds shall be dis-  
 4           tributed to the forty-four (44) counties in proportion to  
 5           the number of misdemeanor and infraction citations issued by  
 6           city law enforcement officers in the county in relation to  
 7           the proportion of the number of misdemeanor and infraction  
 8           citations issued by all city law enforcement officers in the  
 9           state.

10           (2) All transfers and distributions shall be made periodically, but not  
 11 less frequently than quarterly, but, the apportionments made to any county  
 12 or city, that may during the succeeding three (3) year period be found to have  
 13 been in error either of computation or transmittal, shall be corrected dur-  
 14 ing the fiscal year of discovery by a reduction of apportionments in the case  
 15 of over-apportionment or by an increase of apportionments in the case of un-  
 16 der-apportionment. The decision of the director on entitlements of counties  
 17 and cities shall be final and shall not be subject to judicial review.

18           (3) For purposes of this section, "city law enforcement officer" means  
 19 an individual, either employed directly by a city or by way of a contract for  
 20 law enforcement services with another city or county, authorized to investi-  
 21 gate, enforce, prosecute or punish violations of city or state statutes, or-  
 22 dinances or regulations.

23           SECTION 3. That Section 31-3201A, Idaho Code, be, and the same is hereby  
 24 amended to read as follows:

25           31-3201A. COURT FEES. The clerk of the district court in addition to  
 26 the fees and charges imposed by chapter 20, title 1, Idaho Code, and by sec-  
 27 tion 31-3201, Idaho Code, and in addition to the fee levied by chapter 2, ti-  
 28 tle 73, Idaho Code, shall charge, demand and receive the following fees for  
 29 services rendered by him in discharging the duties imposed upon him by law:

30           (1) Civil cases. A fee of one hundred seventy-five dollars (\$175) for  
 31 filing a civil case of any type in the district court, except for those cases  
 32 to be assigned to the magistrate's division of the district court for which  
 33 the fee shall be one hundred twenty dollars (\$120), with the following excep-  
 34 tions:

35           (a) The fee for small claims shall be as provided in section 1-2303,  
 36 Idaho Code;

37           (b) No filing fee shall be charged in the following types of cases:

38           (i) Cases brought under chapter 3, title 66, Idaho Code, for com-  
 39 mitment of mentally ill persons;

40           (ii) Cases brought under the juvenile corrections act;

41           (iii) Cases brought under the child protective act;

42           (iv) Demands for bond before a personal representative is ap-  
 43 pointed in probate;

44           (v) Petitions for sterilization;

45           (vi) Petitions for judicial consent to abortion;

46           (vii) Registration of trusts and renunciations;

47           (viii) Petitions for leave to compromise the disputed claim of a  
 48 minor;

1 (ix) Petitions for a civil protection order or to enforce a for-  
 2 eign civil protection order pursuant to chapter 63, title 39,  
 3 Idaho Code;

4 (x) Objections to the appointment of a guardian filed by a minor  
 5 or an incapacitated person;

6 (xi) Proceedings to suspend a license for nonpayment of child  
 7 support pursuant to section 7-1405, Idaho Code;

8 (xii) Proceedings under the uniform post-conviction procedure  
 9 act as provided in chapter 49, title 19, Idaho Code;

10 (xiii) Filings of a custody decree from another state;

11 (xiv) Filings of any answer after an initial appearance fee has  
 12 been paid.

13 The filing fee shall be distributed as follows: ~~seventeen~~ twenty-three dol-  
 14 lars (~~\$17~~23.00) of such filing fee shall be paid to the county treasurer for  
 15 deposit in the district court fund of the county, with six dollars (\$6.00)  
 16 of such twenty-three dollars (\$23.00) dedicated to provide for the suitable  
 17 and adequate quarters of the magistrate's division of the district court,  
 18 including the facilities and equipment necessary to make the space provided  
 19 functional for its intended use, and shall provide for the staff personnel,  
 20 supplies and other expenses of the magistrate's division; one dollar (\$1.00)  
 21 of such filing fee shall be paid to the peace officers standards and train-  
 22 ing fund established in section 19-5116, Idaho Code; one hundred thirty-five  
 23 dollars (\$135) of such filing fee, or in a case assigned to the magistrate  
 24 division of the district court eighty dollars (\$80.00) of such filing fee,  
 25 shall be paid to the county treasurer who shall, within five (5) days af-  
 26 ter the end of the month, pay such fees to the state treasurer for deposit  
 27 into the court technology fund; ~~seventeen~~ ten dollars (~~\$17~~0.00) of such fil-  
 28 ing fee shall be paid to the county treasurer who shall pay such fees to the  
 29 state treasurer for deposit in accordance with subsection (15) of this sec-  
 30 tion; and six dollars (\$6.00) of such filing fee shall be paid to the county  
 31 treasurer who shall, within five (5) days after the end of the month, pay such  
 32 fees to the state treasurer for deposit in the senior magistrate judges fund.

33 (2) Felonies and misdemeanors. A fee of seventeen dollars and fifty  
 34 cents (\$17.50) shall be paid, but not in advance, by each person found guilty  
 35 of any felony or misdemeanor, except when the court orders such fee waived  
 36 because the person is indigent and unable to pay such fee. ~~If the magistrate~~  
 37 ~~court facilities are provided by the county, five~~ Eleven dollars (~~\$5~~11.00)  
 38 of such fee shall be paid to the county treasurer for deposit in the district  
 39 court fund of the county, with six dollars (\$6.00) of such eleven dollars  
 40 (\$11.00) dedicated to provide for the suitable and adequate quarters of the  
 41 magistrate's division of the district court, including the facilities and  
 42 equipment necessary to make the space provided functional for its intended  
 43 use, and shall provide for the staff personnel, supplies and other expenses  
 44 of the magistrate's division; one dollar (\$1.00) of such filing fee shall be  
 45 paid to the peace officers standards and training fund established in sec-  
 46 tion 19-5116, Idaho Code; and ~~twelve~~ five dollars and fifty cents (~~\$12~~5.50)  
 47 of such fee shall be paid to the county treasurer who shall pay such fees to  
 48 the state treasurer for deposit in accordance with subsection (15) of this  
 49 section. ~~If the magistrate court facilities are provided by a city, five~~  
 50 dollars (~~\$5~~.00) of such fee shall be paid to the city treasurer for deposit

1 ~~in the city general fund, two dollars and fifty cents (\$2.50) of such fee~~  
2 ~~shall be paid to the city treasurer for deposit in the city capital facili-~~  
3 ~~ties fund for the construction, remodeling and support of magistrate court~~  
4 ~~facilities, and ten dollars (\$10.00) of such fee shall be paid to the county~~  
5 ~~treasurer who shall pay such fees to the state treasurer for deposit in ac-~~  
6 ~~cordance with subsection (15) of this section.~~

7 (3) Infractions. A fee of sixteen dollars and fifty cents (\$16.50)  
8 shall be paid, but not in advance, by each person found to have committed an  
9 infraction or any minor traffic, conservation or ordinance violation, and  
10 a fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not  
11 in advance, by each person found to have committed a first-time infraction  
12 under section 23-604 or 23-949, Idaho Code, and distributed pursuant to  
13 subsection (2) of this section; provided that the judge or magistrate may  
14 in his or her discretion consolidate separate nonmoving traffic offenses  
15 into one (1) offense for purposes of assessing such fee. ~~If the magistrate~~  
16 ~~court facilities are provided by the county, five~~ Eleven dollars (\$511.00)  
17 of such fee shall be paid to the county treasurer for deposit in the district  
18 court fund of the county, with six dollars (\$6.00) of such eleven dollars  
19 (\$11.00) dedicated to provide for the suitable and adequate quarters of the  
20 magistrate's division of the district court, including the facilities and  
21 equipment necessary to make the space provided functional for its intended  
22 use, and shall provide for the staff personnel, supplies and other expenses  
23 of the magistrate's division; one dollar (\$1.00) of such filing fee shall be  
24 paid to the peace officers standards and training fund established in sec-  
25 tion 19-5116, Idaho Code; and ~~eleven~~ four dollars and fifty cents (\$114.50)  
26 of such fee shall be paid to the county treasurer, who shall pay such fees to  
27 the state treasurer for deposit in accordance with subsection (15) of this  
28 section. ~~If the magistrate court facilities are provided by a city, five~~  
29 ~~dollars (\$5.00) of such fee shall be paid to the city treasurer for deposit~~  
30 ~~in the city general fund, two dollars and fifty cents (\$2.50) of such fee~~  
31 ~~shall be paid to the city treasurer for deposit in the city capital facili-~~  
32 ~~ties fund for the construction, remodeling and support of magistrate court~~  
33 ~~facilities, and nine dollars (\$9.00) of such fee shall be paid to the county~~  
34 ~~treasurer who shall pay such fees to the state treasurer for deposit in ac-~~  
35 ~~cordance with subsection (15) of this section.~~

36 (4) Initial appearance other than plaintiff. A fee of one hundred dol-  
37 lars (\$100) shall be paid for any filing constituting the initial appearance  
38 by a party, except the plaintiff, in any civil action in the district court  
39 or in the magistrate's division of the district court, except small claims.  
40 If two (2) or more parties are making their initial appearance in the same  
41 filing, then only one (1) filing fee shall be collected. Of such fee, four  
42 dollars (\$4.00) shall be paid to the county treasurer for deposit in the dis-  
43 trict court fund of the county; eighty dollars (\$80.00) of such fee shall be  
44 paid to the county treasurer who shall, within five (5) days after the end  
45 of the month, pay such fees to the state treasurer for deposit into the court  
46 technology fund; ten dollars (\$10.00) of such fee shall be paid to the county  
47 treasurer who shall pay such fees to the state treasurer for deposit in ac-  
48 cordance with subsection (15) of this section; and six dollars (\$6.00) of  
49 such fee shall be paid to the county treasurer who shall, within five (5) days

1 after the end of the month, pay such fees to the state treasurer for deposit  
2 in the senior magistrate judges fund.

3 (5) Accountings. A fee of nine dollars (\$9.00) shall be paid by the per-  
4 son or persons required to make an account pursuant to title 15, Idaho Code,  
5 at the time such account is filed. All of such fee shall be paid to the county  
6 treasurer for deposit in the district court fund of the county.

7 (6) Distribution of estate. A fee of twenty-five dollars (\$25.00)  
8 shall be paid upon the filing of a petition of the executor or administrator  
9 or of any person interested in an estate for the distribution of such estate,  
10 six dollars (\$6.00) of such fee shall be paid to the county treasurer for  
11 deposit in the district court fund of the county; thirteen dollars (\$13.00)  
12 of such fee shall be paid to the county treasurer who shall pay such fees to  
13 the state treasurer for deposit in accordance with subsection (15) of this  
14 section; and six dollars (\$6.00) of such fee shall be paid to the county  
15 treasurer who shall, within five (5) days after the end of the month, pay such  
16 fees to the state treasurer for deposit in the senior magistrate judges fund.

17 (7) Third-party claim. A fee of fourteen dollars (\$14.00) shall be paid  
18 by a party filing a third-party claim as defined in the Idaho rules of civil  
19 procedure. Eight dollars (\$8.00) of such fee shall be paid to the county  
20 treasurer for deposit in the district court fund of the county; and six dol-  
21 lars (\$6.00) of such fee shall be paid to the county treasurer who shall,  
22 within five (5) days after the end of the month, pay such fees to the state  
23 treasurer for deposit in the senior magistrate judges fund.

24 (8) Cross-claims. A fee of fourteen dollars (\$14.00) shall be paid by  
25 any party filing a cross-claim. Eight dollars (\$8.00) of such fee shall be  
26 paid to the county treasurer for deposit in the district court fund of the  
27 county; and six dollars (\$6.00) of such fee shall be paid to the county trea-  
28 surer who shall, within five (5) days after the end of the month, pay such  
29 fees to the state treasurer for deposit in the senior magistrate judges fund.

30 (9) Change of venue. A fee of twenty-nine dollars (\$29.00) shall be  
31 paid by a party initiating a change of venue. Such fee shall be paid to the  
32 clerk of the court of the county to which venue is changed. Nine dollars  
33 (\$9.00) of such fee shall be paid to the county treasurer for deposit in the  
34 district court fund of the county and twenty dollars (\$20.00) of such fee  
35 shall be paid to the county treasurer who shall, within five (5) days after  
36 the end of the month, pay such fees to the state treasurer for deposit into  
37 the court technology fund.

38 (10) Reopening a case.

39 (a) A fee of eighty-five dollars (\$85.00) shall be paid by any party  
40 appearing after judgment or applying to reopen a case. Nine dollars  
41 (\$9.00) of such fee shall be paid to the county treasurer for deposit  
42 in the district court fund of the county; six dollars (\$6.00) of such  
43 fee shall be paid to the county treasurer who shall, within five (5)  
44 days after the end of the month, pay such fees to the state treasurer  
45 for deposit in the senior magistrate judges fund; and seventy dollars  
46 (\$70.00) of such fee shall be paid to the county treasurer who shall,  
47 within five (5) days after the end of the month, pay such fees to the  
48 state treasurer for deposit into the court technology fund.

49 (b) A fee of one hundred eight dollars (\$108) shall be paid by a party  
50 applying to reopen a divorce action or modify a divorce decree, with

1       seventeen dollars (\$17.00) of the fee to be paid to the county treasurer  
2       for deposit in the district court fund of the county; fifteen dollars  
3       (\$15.00) of such fee to be paid to the county treasurer who shall pay  
4       such fees to the state treasurer for deposit in accordance with subsec-  
5       tion (15) of this section; six dollars (\$6.00) of such fee to be paid to  
6       the county treasurer who shall, within five (5) days after the end of the  
7       month, pay such fees to the state treasurer for deposit in the senior  
8       magistrate judges fund; and seventy dollars (\$70.00) of such fee shall  
9       be paid to the county treasurer who shall, within five (5) days after the  
10      end of the month, pay such fees to the state treasurer for deposit into  
11      the court technology fund.

12      (c) When the application to reopen a case consists only of a motion or  
13      other pleading to revive or renew a judgment, a fee of twenty-nine dol-  
14      lars (\$29.00) shall be paid by the party filing the motion or pleading.  
15      Nine dollars (\$9.00) of such fee shall be paid to the county treasurer  
16      for deposit in the district court fund of the county and twenty dollars  
17      (\$20.00) of such fee shall be paid to the county treasurer who shall,  
18      within five (5) days after the end of the month, pay such fees to the  
19      state treasurer for deposit into the court technology fund.

20      (11) Appeal to district court. A fee of thirty-five dollars (\$35.00)  
21      shall be paid by a party taking an appeal from the magistrate's division of  
22      the district court to the district court; nine dollars (\$9.00) of such fee  
23      shall be paid to the county treasurer for deposit in the district court fund  
24      of the county; six dollars (\$6.00) of such fee shall be paid to the county  
25      treasurer who shall, within five (5) days after the end of the month, pay such  
26      fees to the state treasurer for deposit in the senior magistrate judges fund;  
27      and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer  
28      who shall, within five (5) days after the end of the month, pay such fees to  
29      the state treasurer for deposit into the court technology fund. No addi-  
30      tional fee shall be required if a new trial is granted.

31      (12) Appeal to supreme court. A fee of thirty-five dollars (\$35.00)  
32      shall be paid by the party taking an appeal from the district court to the  
33      supreme court for comparing and certifying the transcript on appeal, if such  
34      certificate is required. Nine dollars (\$9.00) of such fee shall be paid to  
35      the county treasurer for deposit in the district court fund of the county;  
36      six dollars (\$6.00) of such fee shall be paid to the county treasurer who  
37      shall, within five (5) days after the end of the month, pay such fees to the  
38      state treasurer for deposit in the senior magistrate judges fund; and twenty  
39      dollars (\$20.00) of such fee shall be paid to the county treasurer who shall,  
40      within five (5) days after the end of the month, pay such fees to the state  
41      treasurer for deposit into the court technology fund.

42      (13) Fees not covered by this section, including fees to defray the  
43      costs of electronic access to court records other than the register of ac-  
44      tions, shall be set by rule or administrative order of the supreme court.

45      (14) All fees required to be paid by this section or by rule or admin-  
46      istrative order of the supreme court shall be collected by the clerk of the  
47      district court or by a person appointed by the clerk of the district court  
48      for this purpose. If it appears that there is a necessity for such fees to  
49      be collected by persons other than the clerk of the district court or a per-  
50      son designated by the clerk for such purpose, the supreme court by rule or



1 administrative order may provide for the designation of persons authorized  
2 to receive such fees. Persons so designated shall account for such fees in  
3 the same manner required of the clerk of the district court and shall pay such  
4 fees to the clerk of the district court of the county in which such fees are  
5 collected.

6 (15) That portion of the filing fees required to be remitted to the state  
7 treasurer for deposit pursuant to subsections (1), (2), (3), (4), (6) and  
8 (10) of this section shall be apportioned eighty-six percent (86%) to the  
9 state general fund and fourteen percent (14%) to the peace officers stan-  
10 dards and training fund authorized in section 19-5116, Idaho Code, within  
11 five (5) days after the end of the month in which such fees were remitted to  
12 the county treasurer. That portion of the filing fees required to be remit-  
13 ted to a city treasurer for deposit in the city's general fund shall be re-  
14 mitted within five (5) days after the end of the month in which such fees were  
15 remitted to the county treasurer.

16 (16) Of the fees derived from the filing of any divorce action required  
17 to be transmitted to the state treasurer, the county treasurer shall retain  
18 five dollars (\$5.00), which shall be separately identified and deposited in  
19 the district court fund of the county. Such moneys shall be used exclusively  
20 for the purpose of establishing a uniform system of qualifying and approving  
21 persons, agencies or organizations to conduct evaluations of persons con-  
22 victed of domestic assault or battery as provided in section 18-918, Idaho  
23 Code, and the administration of section 18-918(7), Idaho Code, relating to  
24 the evaluation and counseling or other treatment of such persons, includ-  
25 ing the payment of the costs of evaluating and counseling or other treatment  
26 of an indigent defendant. No provision of chapter 52, title 39, Idaho Code,  
27 shall apply to the moneys provided for in this subsection.

28 (17) In consideration of the ~~aforsaid~~ fees in this section, the clerk  
29 of the district court shall be required to perform all lawful service that  
30 may be required of him by any party thereto; provided, that he shall not pre-  
31 pare and furnish any certified copy of any file or record in an action except  
32 printed transcript on appeal, without additional compensation as provided  
33 by law.

34 SECTION 4. That Section [1-2218](#), Idaho Code, be, and the same is hereby  
35 repealed.

36 SECTION 5. Section 4 of this act shall be in full force and effect on and  
37 after July 1, 2023.

38 SECTION 6. An emergency existing therefor, which emergency is hereby  
39 declared to exist, Section 1 of this act shall be in full force and effect on  
40 and after passage and approval.