

IN THE SENATE

SENATE BILL NO. 1238

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO PRETRIAL RELEASE; AMENDING CHAPTER 29, TITLE 19, IDAHO CODE, BY  
2 THE ADDITION OF A NEW SECTION 19-2904A, IDAHO CODE, TO AUTHORIZE A COURT  
3 TO DETERMINE WHETHER A PRETRIAL SUPERVISION PROGRAM IS APPROPRIATE IN  
4 CERTAIN INSTANCES; AND AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY  
5 THE ADDITION OF A NEW SECTION 31-3201I, IDAHO CODE, TO PROVIDE FOR A  
6 PRETRIAL SUPERVISION FEE, TO PROVIDE REQUIREMENTS AND CONDITIONS FOR A  
7 PRETRIAL SUPERVISION FEE, TO PROVIDE FOR CERTAIN ADDITIONAL FEES AND TO  
8 PROVIDE AN EXEMPTION.  
9

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

11 SECTION 1. That Chapter 29, Title 19, 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 19-2904A, Idaho Code, and to read as follows:

14 19-2904A. SUPERVISED PRETRIAL RELEASE PROGRAMS. If the county in  
15 which charges are pending has established a pretrial supervision program,  
16 the court may hold a hearing to determine whether such supervision is ap-  
17 propriate. Pretrial supervision is appropriate if the court determines the  
18 defendant's participation is necessary to ensure protection of victims and  
19 witnesses, public safety or compliance with the conditions of release as  
20 authorized in section 19-2905(7), Idaho Code.

21 SECTION 2. That Chapter 32, Title 31, Idaho Code, be, and the same is  
22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
23 ignated as Section 31-3201I, Idaho Code, and to read as follows:

24 31-3201I. PRETRIAL SUPERVISION FEE. (1) When a defendant has been re-  
25 quired to participate in a supervised pretrial release program as provided  
26 in section 19-2904A, Idaho Code, the court may require the defendant to pay a  
27 pretrial supervision fee.

28 (2) The pretrial supervision fee shall be in an amount to be determined  
29 by the administrative district judge of the judicial district of not more  
30 than thirty dollars (\$30.00) per month to cover the actual costs of supervis-  
31 ing the defendant while in the supervised pretrial release program.

32 (3) The pretrial supervision fee shall be paid to the clerk of the  
33 court, who shall pay such fees to the county treasurer. Such fees shall be  
34 used exclusively to cover the costs of the pretrial services provided by the  
35 pretrial services agency that has been designated to provide such services.

36 (4) The court may also order the defendant to pay additional fees to  
37 cover the actual costs of electronic monitoring, alcohol testing or drug  
38 testing if such monitoring or testing is a condition of the defendant's  
39 release. Such additional fees may be paid directly to the provider of the  
40 service.

1           (5) A defendant under pretrial supervision may not be required to pay  
2 more than one (1) pretrial services fee in the county in which the defen-  
3 dant is under pretrial supervision, notwithstanding the number of charges or  
4 cases pending against the defendant in that county.

5           (6) The court, for good cause, may exempt the defendant from the payment  
6 of all or any part of the fees authorized by this section, and no defendant  
7 shall be denied release or denied participation in a supervised pretrial re-  
8 lease program because of an inability to pay the fees authorized by this sec-  
9 tion. Any unpaid pretrial services fee shall be considered a debt owed to the  
10 court and may be collected in the manner provided by law for the collections  
11 of such debts. If the defendant is found guilty of an offense, the court may  
12 order the defendant to pay any pretrial services fees that the defendant owes  
13 as part of the sentence.