

STATEMENT OF PURPOSE

RS25953

As a result of criminal convictions, defendants are routinely ordered to pay fines, fees, and restitution to Idaho court clerks and those monies are then disbursed to state funds, counties, cities and crime victims. In a small number of cases, after the amounts paid by the defendant are disbursed, the conviction is vacated and the defendant is not re-tried. As a result, the defendant is entitled to reimbursement for the fines, fees, and restitution paid. Last year, the U.S. Supreme Court ruled as unconstitutional Colorado's process for reimbursing criminal defendants for amounts previously paid to the court when the defendant's conviction is later vacated. Idaho does not currently have a statutory process governing reimbursements to defendants in these situations, and this proposed legislation would establish such a process in light of the guidance provided by the U.S. Supreme Court's assessment of Colorado's statute. This proposed legislation will allow a defendant whose conviction is vacated to file a petition seeking return of monies paid to the court as a result of that conviction. The clerk of the court would then certify the amount paid by the defendant, and the parties would be entitled to offer proof that a different amount is due. If the court is satisfied the defendant is actually entitled to the reimbursement, then the court can order the administrative director of the courts to issue a refund to the defendant. This legislation also proposes establishing the Idaho Vacated Conviction Fund to cover the cost of any refunds a court may order the administrative director of the courts to pay.

FISCAL NOTE

This legislation proposes establishing a new fund in the office of the state treasurer, and it is expected that a twenty thousand dollar (\$20,000) appropriation from the General Fund will be necessary to initially fund this new fund. The proposed statutes contemplate no expenditures of other government funds, so there will be no fiscal impact upon other state funds or local governments.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).