

THE STATE OF IDAHO
SUPREME COURT

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February 23, 2018

Ms. Wendy Carver-Herbert
Secretary – Judiciary, Rules and Administration Committee
EW56 – Idaho State Capitol

Via Hand Delivery Only

Re: House Bill 530

Dear Ms. Carver-Herbert,

We have prepared a twelve (12) page explanatory document regarding the distribution of payments received by court clerks in criminal cases. This document reflects the distribution priority suggested by House Bill 530, and it outlines the statutory basis for, and amount of, each possible fee. In addition, it explains which funds, persons and entities ultimately receive the fees when they are disbursed. Please find attached seventeen (17) copies of this letter and the explanatory document. As you know, the merit hearing on House Bill 530 is set for next Tuesday, February 27th. In order to provide all of the members of the committee an opportunity to review the explanatory document before the hearing, I kindly ask that you provide one (1) of the attached copies to each of them at your earliest convenience.

As always, I very much appreciate your gracious assistance, and I urge you to contact me with any questions you may have. Thank you.

Very truly yours,



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Copies of the letter and attachments have been provided for the following House Judiciary, Rules and Administration Committee members:

Representative Lynn Luker, Chairman
Representative Luke Malek, Vice Chairman
Representative Christy Perry
Representative Thomas Dayley
Representative Patrick McDonald
Representative Don Cheatham
Representative Ryan Kerby
Representative Ronald Nate
Representative Greg Chaney
Representative Paul Amador
Representative Karey Hanks
Representative Christy Zito
Representative Bryan Zollinger
Representative Barbara Ehardt
Representative John Gannon
Representative John McCrostie
Representative Melissa Wintrow

Be it Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 32, Title 31, Idaho Code, be, and the same is hereby amended by the addition of a NEW SECTION, to be known and designated as Section 31-3201J, and to read as follows:

31-3201I. DISTRIBUTION OF PAYMENTS IN CRIMINAL CASES. When ordered by the Court to make one of the following payments in a criminal case a defendant shall make the payment to the clerk of the court. The clerk of the court shall distribute the payments received as required by statute, and such distributions shall first completely satisfy the amounts due in the following order before distribution of payments for any other amounts owed to the court:

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

Statute provides:

\$17.50 court costs for felonies, misdemeanors and first-time infractions under I.C. § 23-604 or 23-949 (\$12.50 distributed 86% to general fund and 14% to P.O.S.T. Fund, and \$5.00 to district court fund*; if magistrate court facilities are provided by the city, then \$10.00 distributed 86% to general fund and 14% to P.O.S.T. Fund, \$5.00 to city general fund and \$2.50 to city capital facilities fund) (I.C. § 31-3201A (2), (3) and (15)).

\$16.50 court costs for infractions, except first-time infractions under I.C. § 23-604 or 23-949 (\$11.50 distributed 86% to general fund and 14% to P.O.S.T. Fund, and \$5.00 to district court fund; if magistrate court facilities are provided by the city, then \$9.00 distributed 86% to general fund and 14% to P.O.S.T. Fund, \$5.00 to city general fund and \$2.50 to city capital facilities fund) (I.C. § 31-3201A(3)).

**NOTE: I.C. § 31-867(1) provides that a county may establish a “district court fund” for the purpose of providing for the functions of the district and magistrate courts. Money in the district court fund may be expended for all court expenditures other than courthouse construction and remodels. I.C. § 1-1613 (District Court) and I.C. § 1-2217 (Magistrate Court) require the counties to provide suitable and adequate facilities and equipment necessary to make the space provided functional for its intended use, and to provide for the staff, personnel, supplies, and other expenses of the courts.*

Payments:

I.C. § 31-3201A(14) requires court fees to be paid to the clerk of the court.

Distribution:

If the charge is a felony, a misdemeanor or first-time infraction under I.C. § 23-604 or 23-949:

Distribution of the \$17.50 – if County provides the court facility

State General Fund	\$10.75
P.O.S.T. Training Fund	1.75
County District Court Fund	5.00

Distribution of the \$17.50 – if City provides the magistrate court facility

State General Fund	\$ 8.60
P.O.S.T Training Fund	1.40
City General Fund	5.00
City Capital Fac. Fund	2.50

If the charge is an infraction (except first-time infractions under I.C. § 23-604 or 23-949):

Distribution of the \$16.50 – if County provides the court facility

State General Fund	\$ 9.89
P.O.S.T. Training Fund	1.61
County District Court Fund	5.00

Distribution of the \$16.50 – if City provides the magistrate court facility

State General Fund	\$ 7.74
P.O.S.T Training Fund	1.26
City General Fund	5.00
City Capital Fac. Fund	2.50

- (2) **Fines or reimbursements paid for the crime victims compensation account pursuant to section 72-1025, Idaho Code;**

Statute provides:

Victims' Compensation Account (I.C. § 72-1025). Unless the court makes a finding of inability to pay, \$37.00 fine or reimbursement for each misdemeanor count; \$75.00 fine or reimbursement for each felony count; and \$37.00 fine or reimbursement for each first-time conviction of an infraction under I.C. § 23-604 or 23-949. In addition to the \$37.00 misdemeanor and \$75.00 felony fine or reimbursement, there is a fine or reimbursement of not less than \$300.00 per count for any conviction or finding of guilt for any sex offense, including, but not limited to, offenses under I.C. §§ 18-1506, 18-1507, 18-1508, 18-1508A, 18-6101, 18-6605, and 18-6608.

Payments:

By operation of I.C. § 19-4705(1)(a), the fine or reimbursement assessed by a judge in a judgment of conviction is paid to the district court clerk for entry in the court docket for purposes of satisfying the judgment, and is then remitted to the county auditor for distribution.

Distribution of fees:

Distribution of the \$37 for each misdemeanor, \$75 for each felony, \$37.00 for each first-time conviction of an infraction under I.C. § 23-604 or 23-949, or \$300 for each sex offense is to the Victim's Compensation Account which is a dedicated fund (I.C. §72-1009) appropriated to the Idaho Industrial Commission for compensation as restitution to certain crime victims under certain circumstances. I.C. §72-1016.

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

Statute provides:

County misdemeanor probation supervision fee not to exceed the amount of a felony probation supervision fee (Maximum \$75 a month- I.C. § 20-225). Administrative District Judge of the Judicial District sets the fee. (I.C. § 31-3201D). Misdemeanor probation services performs such functions as prescribed by the Administrative District Judge in each judicial district. (I.C. § 31-878).

Payments:

I.C. § 31-3201D(2) requires misdemeanor probation supervision fees to be paid to the clerk of the district court.

Distribution:

\$1 of each monthly fee (the first \$1 collected of the monthly fee) to the P.O.S.T. standards and training fund (I.C. §19-5116) to offset training costs of misdemeanor probation officers.

The remainder of each monthly fee, at the option of the board of county commissioners, to either county misdemeanor probation fund or to the county justice fund.

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

Statute provides:

Drug Court and Mental Health Court Fee (generically referred to as “Problem Solving Court fee”). (I.C. § 31-3201E). Unless a court determines a participant is indigent or unable to pay, a monthly fee not to exceed \$300 per month for participants in drug or mental health courts or a lesser amount as set by the Administrative District Judge.

Payments:

I.C. § 31-3201E requires drug and mental health fund fees to be paid to the clerk of the district court.

Distribution:

Problem Solving Court fees are deposited into the county drug court and mental health court fund created in each county which has such a court.

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

Statute provides:

Peace Officer and Detention Officer Temporary Disability Fund (I.C. § 72-1105). Unless the court makes a finding of inability to pay, \$3.00 fine for each felony, misdemeanor, or conviction of a first-time infraction under I.C. § 23-604 or 23-949.

Payments:

By operation of I.C. § 19-4705(1)(a), the fine assessed by a judge in a judgment of conviction is paid to the district court clerk for entry in the court docket for purposes of satisfying the judgment, and is then remitted to the county auditor for distribution.

Distribution:

Distribution of the \$3 is to a dedicated fund which is administered by the Industrial Commission for the purpose of providing a full rate of salary for certain injured individuals.

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

Statute provides:

Unless the court determines that an order of restitution would be inappropriate or undesirable, it shall order a defendant found guilty of any crime which results in an economic loss to the victim to make restitution to the victim. The court at sentencing must enter a separate written order establishing the amount owed as victim restitution.

Payments:

I.C. § 19-5305(2) provides that restitution may be paid to/collected by the clerk of the district court on behalf of the victim.

Distribution:

Distribution is to the victim(s). The Court may set the distribution priority among victim(s). (I.C. §19-5304(5)).

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

Statute provides:

Community service fee of 60 cents per hour for each hour of community service to cover worker's compensation insurance (I.C. § 31-3201C).

Payments:

I.C. § 31-3201C requires community services fees to be paid to the district court (clerk of the court).

Distribution:

Distribution is to the State Insurance Fund unless the county is self-insured.

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

Statute provides:

Victim Notification Fund Fee (I.C. § 31-3204). \$15.00 for each felony or misdemeanor count, or first-time infraction under I.C. § 23-604 or 23-949.

Payments:

By operation of I.C. § 19-4705(1)(a), all fines and fees assessed by a judge in a judgment of conviction are paid to the district court clerk for entry in the court docket for purposes of satisfying the judgment, and are then remitted to the county auditor for distribution.

Distribution:

Distribution is to the state victim notification fund established in §67-2912. The monies are to be distributed to the Idaho State Police and the Idaho Sheriff's association for the purposes of defraying the costs of the automated victim information and notification system for the purpose of satisfying the provisions of Article 1, §22 of the Idaho Constitution requiring victim notification of offender court and incarceration status.

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

Statute provides:

\$10.00 court technology fee on each criminal and infraction offense. (I.C. § 31-3201(5)).

Payments:

I.C. § 31-3201(5) requires collection by the clerk of the district court.

Distribution:

Distribution is to the dedicated Court Technology Fund I.C. §1-1623.

Monies are used by the Supreme Court for the purpose of maintaining, replacing, and enhancing the court technology program, and other technologies that assist in the efficient management of the courts or which improve access to the courts and court records.

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

Statute provides:

The court shall charge a fee of \$100.00 for each felony count; a \$50.00 for each misdemeanor count and for each first-time infraction under I.C. § 23-604 or 23-949; and \$10.00 for all other infractions.

Payments:

By operation of I.C. § 19-4705(1)(a), all fines and fees assessed by a judge in a judgment of conviction are paid to the district court clerk for entry in the court docket for purposes of satisfying the judgment, and are then remitted to the county auditor for distribution.

Distribution:

Distribution of each fee collected is:

80% to the State General Fund

20% to the dedicated Court Technology Fund I.C. §1-1623

- (11) Peace officers standards and training fees paid pursuant to section 31-3201B, Idaho Code;

Statute provides:

\$15.00 P.O.S.T. Academy fee paid by each person found guilty of any felony or misdemeanor or infraction or minor traffic ordinance except unlawfully parked cars or when a court determines the person is indigent and unable to pay. (I.C. § 31-3201B).

Payments:

By operation of I.C. § 19-4705(1)(a), all fines and fees assessed by a judge in a judgment of conviction are paid to the district court clerk for entry in the court docket for purposes of satisfying the judgment, and are then remitted to the county auditor for distribution.

Distribution:

Distribution of the fee is to the P.O.S.T. standards and training fund, I.C. §19-5116.

- (12) Domestic violence court fees paid pursuant to section 32-1410, Idaho Code;

Statute provides:

For persons who are found guilty of the offenses provided in I.C. § 32-1410, a \$30.00 fee to assist in funding domestic violence courts.

Payments:

Under I.C. § 32-1410(2), the fees are paid to/collected by the clerk of the court.

Distribution:

Distribution of the fee is to the dedicated state Drug Court, Mental Health Court, Family Court Services fund (I.C. § 1-1625) to assist in funding domestic violence courts.

- (13) Criminal fines;

Statutes provide:

Felony, misdemeanor, infraction defined. A felony is a crime punishable with death or by imprisonment in the state prison. An infraction is a civil public offense, not constituting a crime, punishable only by a penalty not exceeding three hundred dollars (\$300) and for which no period of incarceration may be imposed. Every other crime is a misdemeanor. (I.C. § 18-111).

Misdemeanor offenses in general. Except in cases where a different punishment is prescribed, every offense declared to be a misdemeanor, is punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding one thousand dollars (\$1,000), or by both. (I.C. § 18-113).

Felony offenses in general- maximum fine authorized. In addition to any other punishment prescribed for felonies in specific statutes of the Idaho Code, the court may also impose a fine of up to fifty thousand dollars (\$50,000). This does not apply if a specific felony statute provides for the imposition of a fine. (I.C. § 18-112A).

Felony crimes of violence. Irrespective of any penalties set forth under state law, and in addition thereto, the court, may impose a fine not to exceed five thousand dollars (\$5,000) against any defendant found guilty of any felony listed in I.C. § 19-5307(2). (I.C. § 19-5307(1)). The fine operates as a civil judgment against the defendant, and is entered on behalf of the victim, or the family of the victim in cases of homicide or crimes against children, and is not subject to any distribution otherwise required in section 19-4705, Idaho Code.

Payments:

By operation of I.C. § 19-4705(1)(a), all fines and fees assessed by a judge in a judgment of conviction are paid to the district court clerk for entry in the court docket for purposes of satisfying the judgment, and are then remitted to the county auditor for distribution.

By operation of I.C. § 19-5307(1), the fines imposed for felony crimes of violence may be collected by the clerk of the district court and the clerk shall then remit any money collected in payment of the fine to the victim or the family of the victim in a case of homicide or crimes against minor children.

Distribution:

Distribution of fine monies is typically governed by I.C. §19-4705.

I.C. §19-4705(1)(b): Fish and Game:

2 ½% State General Fund
10% Search and Rescue Account
22 ½% County District Court Fund
65% Fish and Game Fund

I.C. §19-4705(1)(c): State motor vehicle laws, DWP, DUI,:

IF issued by State or County Officer:

8.6% State General Fund
1.4% P.O.S.T Standards and Training Fund
45% Highway Distribution Account
22 1/2% County District Court Fund
22 ½% Public School Income Fund

State motor vehicle laws, DWP, DUI, 19-4705(1)(c):

IF issued by City Officer or agency contracted by the City for enforcement:

- 8.6% State General Fund
- 1.4% P.O.S.T. Standards and Training Fund
- 90% City which issued the arrest or citation

I.C. §19-4705(1)(d): State Law violations NOT involving motor vehicle laws, DWP, DUI, or Fish and Game, to the county in which the violation occurred:

- 8.6% State General Fund
- 1.4% P.O.S.T. Standards and Training Fund
- 90% County District Court Fund

I.C. §19-4705(1)(e): County Ordinance violations to the county in which the violation occurred:

- 8.6% State General Fund
- 1.4% P.O.S.T. Standards and Training Fund
- 90% County District Court Fund

I.C. §19-4705(1)(f): City Ordinance violations to the city in which the violation occurred:

- 8.6% State General Fund
- 1.4% P.O.S.T. Standards and Training Fund
- 90% City whose ordinance was violated

I.C. §19-4705(1)(g): Violations not otherwise specified in prior sections above:

IF issued by State or County Officer:

- 8.6% State General Fund
- 1.4% P.O.S.T. Standards and Training Fund
- 90% County District Court Fund

IF issued by City Officer or agency contracted by the City for enforcement:

- 8.6% State General Fund
- 1.4% P.O.S.T. Standards and Training Fund
- 90% City which issued the arrest or citation

I.C. §19-4705(1)(h): Violations involving registrations of motorcycles, motor driven cycles, snowmobiles, or use of winter recreation parking areas:

- 8.6% State General Fund
- 1.4% P.O.S.T. Standards and Training Fund
- 90% County or City general fund which entity issued the arrest or citation

I.C. §19-4705(1)(i): Overweight violations:

- 100% Highway Distribution Account

I.C. §19-4705(2): Any Misdemeanor violation for which an increase in the maximum fine became effective on or after July 1, 2005.

I.C. §19-4705(2)(a): any funds remitted as a fine for the misdemeanor up to the maximum amount that could have been imposed before July 1, 2005 are distributed according to the applicable schedule above.

I.C. §19-4705(2)(b): any funds remitted as a fine for the misdemeanor in excess of the maximum amount that could have been imposed before July 1, 2005 are distributed to the drug court, mental health court, family court services fund I.C. §1-1625.

I.C. § 19-5307(2): Distribution of fines for felony crimes of violence. The fine operates as a civil judgment against the defendant, is entered on behalf of the victim or the family of the victim in cases of homicide or crimes against children, and is not subject to any distribution otherwise required in section 19-4705, Idaho Code. The clerk of the district court may collect the fine and shall remit any money collected in payment of the fine to the victim or the family of the victim in a case of homicide or crimes against minor children.

- (14) Reimbursement for public defender costs paid pursuant to section 19-854(7), Idaho Code;

Statute provides:

Unless the requirement would impose a manifest hardship on the indigent person, an indigent person who receives the services of an attorney provided by the county may be required by a court to reimburse the county for the costs of the services (I.C. § 19-854(7)).

Payments:

By operation of I.C. § 19-4705(1)(a), all fines and fees assessed by a judge in a judgment of conviction are paid to the district court clerk for entry in the court docket for purposes of satisfying the judgment, and are then remitted to the county auditor for distribution.

Distribution:

Distribution of monies received, when ordered by a court as reimbursement for indigent defense, is to the county which paid the costs of the public defense.

- (15) Costs of prosecution ordered as a condition of probation and paid pursuant to section 19-2601(2), Idaho Code and Idaho Criminal Rule 33(d)(2);

Statute provides:

Costs of prosecution ordered as a condition of probation.

Payment:

By operation of I.C. § 19-4705(1)(a), all fines and fees assessed by a judge in a judgment of conviction are paid to the district court clerk for entry in the court docket for purposes of satisfying the judgment, and are then remitted to the county auditor for distribution.

Distribution:

Distribution to the county pursuant I.C.R. Rule 33(d)(2) in the manner provided in I.C. § 19-4705.

- (16) Domestic violence fines for the domestic violence project account paid pursuant to section 39-6312, Idaho Code;

Statute provides:

For persons who violates a domestic violence protective order (I.C. § 39-6312), the first \$10.00 of the criminal fine is to be distributed to the domestic violence project account (I.C. § 39-5212), as provided in I.C. § 39-6312(1).

Payment:

By operation of I.C. § 19-4705(1)(a), all fines and fees assessed by a judge in a judgment of conviction are paid to the district court clerk for entry in the court docket for purposes of satisfying the judgment, and are then remitted to the county auditor for distribution.

Distribution:

Distributed to the domestic violence project account created in the state operating fund which is perpetually appropriated to the council on domestic violence and victim assistance grants for domestic violence projects and to meet the costs of maintaining the operation of the council.

- (17) Drug hotline fees paid pursuant to section 37-2735A, Idaho Code;

Statute provides:

For persons who violate the provisions of title 37, chapter 27, a \$10.00 fine to be deposited in the drug and driving under the influence enforcement donation fund (I.C. § 57-816), as provided in I.C. § 37-2735A.

Payments:

By operation of I.C. § 19-4705(1)(a), all fines and fees assessed by a judge in a judgment of conviction are paid to the district court clerk for entry in the court docket for purposes of satisfying the judgment, and are then remitted to the county auditor for distribution.

Distribution:

Distributed to the drug and driving while under the influence enforcement donation fund separate and apart from any other moneys in the fund to be used exclusively to support a twenty four (24) hour anonymous hotline and reward system for the reporting of drug violations.

- (18) Additional fish and game fines for the search and rescue account paid pursuant to section 36-1405, Idaho Code;

Statute provides:

Additional fish and game fine of \$7.50 against each person convicted of I.C. § 36-1402 or 36-1404 to be deposited into the search and rescue account (I.C. § 67-2913). (I.C. § 36-1405).

Payments:

I.C. § 36-1402(h) requires that the fines be remitted in accordance with I.C. § 19-4705. I.C. § 19-4705(1)(a) requires payment to the district court clerk for entry in the court docket, and remittance to the county auditor for distribution.

Distribution:

Distributed to the Search and Rescue fund administered and re-distributed by the Director of the Idaho State Police to one of four (4) sub-accounts as provided in I.C. §67-2913.

- (19) County administrative surcharge fees paid pursuant to section 31-3201(3), Idaho Code;

Statute provides:

\$10.00 county administrative surcharge fee on each criminal case and first-time infractions under I.C. § 23-604 or 23-949, \$5.00 on all other infractions, for deposit to the county justice fund (I.C. § 31-4602), or to county current expense fund where no county justice fund has been established. (I.C. § 31-3201); *OR*

\$10.00 county administrative surcharge fee on each civil case, including each appeal, to support the county court facilities fund, or to the county district court fund if no court facilities fund has been established. (I.C. § 31-3201(3)).

Payment:

I.C. § 31-3201(3) requires the clerk of the district court to collect administrative surcharge fees.

Distribution:

Distributed to the county for deposit into the appropriate fund as referenced above.

- (20) Motor vehicle violation surcharge fees and ignition interlock and electronic monitoring fees paid pursuant to sections 18-8008 and 18-1810, Idaho Code;

Statute provides:

\$15.00 surcharge on DUI and DWP convictions or withheld judgments, for deposit in the court interlock device and electronic monitoring device fund. (I.C. § 18-8010).

Payment:

By operation of I.C. § 19-4705(1)(a), all fines and fees assessed by a judge in a judgment of conviction are paid to the district court clerk for entry in the court docket for purposes of satisfying the judgment, and are then remitted to the county auditor for distribution.

Distribution:

Distributed to the county where the person was adjudicated for deposit into the county's "court interlock device and electronic monitoring device fund." Monies in this fund may be used for multiple purposes including interlock devices, other monitoring devices, and alcohol or drug abuse related probation, treatment or prevention programs for adults or juveniles.

(21) Costs for toxicology testing paid pursuant to section 37-2732C(g), Idaho Code;

Statute provides:

In addition to fines assessed under I.C. § 37-2732C, notwithstanding I.C. § 19-4705, the court may assess restitution to the defendant in an amount not to exceed two hundred dollars (\$200) to be paid to the arresting and/or prosecuting agency or entity to offset the expense of toxicology testing.

Payment:

By operation of I.C. § 19-4705(1)(a), all fines and fees assessed by a judge in a judgment of conviction are paid to the district court clerk for entry in the court docket for purposes of satisfying the judgment, and are then remitted to the county auditor for distribution.

Distribution:

Distributed to the appropriate fund to offset the expense of toxicology testing.

(22) Costs incurred by investigating law enforcement agencies for racketeering, money laundering and illegal investment violations paid pursuant to section 37-2732(k), Idaho Code;

Statute provides:

For convictions or withheld judgments for violations of title 37, chapter 27, or for racketeering (I.C. § 18-7804) or money laundering (I.C. § 18-8201), restitution pursuant to court order for law enforcement costs incurred. (I.C. § 37-2732(k)).

Payment:

By operation of I.C. § 19-4705(1)(a), all fines and fees assessed by a judge in a judgment of conviction are paid to the district court clerk for entry in the court docket for purposes of satisfying the judgment, and are then remitted to the county auditor for distribution.

Distribution:

Distributed to the applicable law enforcement agency investigating the violation; which agencies may include the Idaho State Police, county and city law enforcement agencies, the office of the Attorney General, and county and city prosecuting attorney offices.

Monies paid to the Idaho State Police shall be deposited into the drug and driving while under the influence enforcement donation account (I.C. §57-816).

Monies paid to the Attorney General shall be deposited into the State General Fund.

- (23) Restitution for the repair or replacement of simulated wildlife paid pursuant to section 36-1101(b)(8), Idaho Code; and

Statute provides:

Restitution of no less than \$50.00 for the repair or replacement of simulated wildlife, to be paid by persons pleading or found guilty of attempting to take simulated wildlife. (I.C. § 36-1101(b)(8)(B)).

Payment:

By operation of I.C. § 19-4705(1)(a), all fines and fees assessed by a judge in a judgment of conviction are paid to the district court clerk for entry in the court docket for purposes of satisfying the judgment, and are then remitted to the county auditor for distribution.

Distribution:

Distributed to the Idaho Department of Fish and Game as restitution for the repair or replacement of the simulated wildlife.

- (24) Abandoned vehicle fees paid pursuant to section 31-3201F, Idaho Code.

Statute provides:

\$150.00 Abandoned Vehicle Fee for infractions in violation of I.C. § 49-1802, to be transmitted to the Abandoned Vehicle Trust Account created by I.C. § 49-1818. (I.C. § 31-3201F).

Payment:

I.C. § 31-3201F requires the court to charge an abandoned vehicle fee. By operation of I.C. § 19-4705(1)(a), all fine and fees assessed by a judge in a judgment of conviction are paid to the district court clerk for entry in the court docket for purposes of satisfying the judgment, and are then remitted to the county auditor for distribution.

Distribution:

Distribution of the fee is to the Abandoned Vehicle Trust Account (I.C. § 49-1818) for reimbursement of expenses incurred in the disposition of an abandoned vehicle.

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

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

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

72-1025. FINES — REIMBURSEMENTS — ~~PRIORITY~~ — DISPOSITION. (1) In addition to any other fine which may be imposed upon each person found guilty of criminal activity, the court shall impose a fine or reimbursement according to the following schedule, unless the court orders that such fine or reimbursement be waived only when the defendant is indigent and at the time of sentencing shows good cause for inability to pay and written findings to that effect are entered by the court:

- (a) For each conviction or finding of guilt of each felony count, a fine or reimbursement of not less than seventy-five dollars (\$75.00) per felony count;
- (b) For each conviction or finding of guilt of each misdemeanor count, a fine or reimbursement of thirty-seven dollars (\$37.00) per misdemeanor count;
- (c) For each first-time conviction or finding of guilt of an infraction under section 23-604 or 23-949, Idaho Code, a fine or reimbursement of thirty-seven dollars (\$37.00) per count;
- (d) In addition to any fine or reimbursement ordered under paragraph (a) or (b) of this subsection [section], the court shall impose a fine or reimbursement of not less than three hundred dollars (\$300) per count for any conviction or finding of guilt for any sex offense, including, but not limited to, offenses pursuant to sections 18-1506, 18-1507, 18-1508, 18-1508A, 18-6101, 18-6605 and 18-6608, Idaho Code.

~~(2) The fine or reimbursement imposed under the provisions of this section shall have priority over all other judgments of the court, except an order to pay court costs.~~

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

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

72-1105. FUND ESTABLISHED — FINES — ~~PRIORITY~~ — DISPOSITION. (1) The peace officer and detention officer temporary disability fund is hereby created in the state treasury and shall be administered by the industrial commission for the purpose of providing a full rate of salary for any peace officer or detention officer who is injured while engaged in those activities as provided in section 72-1104, Idaho Code, and is thereby temporarily incapacitated

from performing his or her duties. Moneys shall be paid into the fund as provided by law and shall consist of fines collected pursuant to subsection (2) of this section, appropriations, gifts, grants, donations and income from any other source. Moneys in the fund may be appropriated only for the purposes of this chapter, which shall include administrative expenses. The treasurer shall invest all idle moneys in the fund. Any interest earned on the investment of idle moneys shall be returned to the fund.

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

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

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