

STATEMENT OF PURPOSE

RS26537

This is one of a series of bills the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the laws, as required by article V, section 25 of the Idaho Constitution. Often times, bail monies posted in cash remain on deposit with the court at the conclusion of a criminal case. I.C. § 19-2908 allows these remaining cash bail monies to be applied to satisfy a defendant's debts owed to the court. However, the current form of I.C. § 19-2908 only allows the remaining bail monies to be applied when a judgment is entered. As a result, this process cannot be utilized when judgment is withheld even though a withheld judgment also results from a finding of guilt. To correct this oversight, entry of an order withholding judgment should be added as a triggering event for applying remaining cash bail amounts to pay debts the defendant owes the court. In addition, this statute now limits payment of the remaining bail monies to debts resulting from the case in which the bail was posted or other "criminal" cases against the defendant. Infractions are civil cases. In support of this law's obvious purpose, applying remaining bail monies to debts resulting from other "infraction" actions against the defendant should also be allowed.

FISCAL NOTE

This proposed amendment will have a positive fiscal impact in that it will increase the collection of fines, fees, and costs owed to the court, and after collection those monies are statutorily distributed to several government funds, including the General Fund.

Contact:

Jason Slade Spillman, Legal Counsel, Administrative Office of the Courts
Barry Wood, Senior District Judge
(208) 334-2246

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).