

IN THE SENATE

SENATE BILL NO. 1040

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ALCOHOL; AMENDING SECTION 23-217, IDAHO CODE, TO REVISE TERMI-
2 NOLOGY AND TO REVISE A PROVISION REGARDING A CERTAIN DISCOUNT; AMENDING
3 SECTION 23-603, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN AD-
4 MINISTRATIVE ACTIONS UPON CONVICTION FOR DISPENSING ALCOHOL TO PERSONS
5 UNDER TWENTY-ONE YEARS OF AGE AND TO DEFINE A TERM; AMENDING SECTION
6 23-604, IDAHO CODE, TO PROHIBIT CERTAIN CONDUCT REGARDING PERSONS UNDER
7 TWENTY-ONE YEARS OF AGE, TO PROVIDE EXCEPTIONS AND TO DEFINE A TERM;
8 AMENDING CHAPTER 6, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
9 TION 23-604B, IDAHO CODE, TO PROVIDE EXCEPTIONS FROM RESTRICTION ON
10 ENTERING OR REMAINING IN CERTAIN PLACES AND TO DEFINE A TERM; AMENDING
11 SECTION 23-605, IDAHO CODE, TO PROVIDE THAT DISPENSING ALCOHOL TO AN
12 OBVIOUSLY INTOXICATED PERSON SHALL BE A MISDEMEANOR, TO PROVIDE PENAL-
13 TIES, TO PROVIDE FOR DEPOSIT OF FINES, TO PROVIDE FOR NOTIFICATION,
14 TO PROVIDE FOR CERTAIN ADMINISTRATIVE ACTION AND TO DEFINE A TERM;
15 AMENDING SECTION 23-615, IDAHO CODE, TO REMOVE A PROVISION REGARDING
16 INTOXICATION; AMENDING CHAPTER 6, TITLE 23, IDAHO CODE, BY THE ADDI-
17 TION OF A NEW SECTION 23-617, IDAHO CODE, TO PROVIDE ADMINISTRATIVE
18 PENALTIES FOR SPECIFIED VIOLATIONS, TO PROVIDE FOR THE PAYMENT AND
19 DISTRIBUTION OF FINES AND TO DEFINE A TERM; AMENDING SECTION 23-901,
20 IDAHO CODE, TO AUTHORIZE THE BOARDS OF COUNTY COMMISSIONERS AND CITY
21 COUNCILS TO GRANT LICENSES FOR LIQUOR BY THE DRINK TO CERTAIN QUALIFIED
22 PERSONS IN ACCORDANCE WITH CERTAIN LAWS, RULES AND ORDINANCES, TO PRO-
23 VIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
24 SECTION 23-902, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS;
25 REPEALING SECTIONS 23-903, 23-903a, 23-903b, 23-904, 23-905, 23-906,
26 23-907 AND 23-908, IDAHO CODE, RELATING TO RETAIL SALE OF LIQUOR BY THE
27 DRINK; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW
28 SECTION 23-903, IDAHO CODE, TO PROVIDE CERTAIN RESTRICTIONS REGARDING
29 ALCOHOLIC BEVERAGES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE
30 ADDITION OF A NEW SECTION 23-904, IDAHO CODE, TO PROVIDE GRANDFATHER
31 RIGHTS AND TO PROVIDE THAT CERTAIN LICENSES ARE TRANSFERABLE AND CER-
32 TAIN LICENSES ARE NOT TRANSFERABLE; AMENDING CHAPTER 9, TITLE 23, IDAHO
33 CODE, BY THE ADDITION OF A NEW SECTION 23-905, IDAHO CODE, TO AUTHORIZE
34 COUNTIES AND CITIES TO ISSUE CERTAIN MUNICIPAL LICENSES; AMENDING CHAP-
35 TER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-906,
36 IDAHO CODE, TO PROVIDE CONDITIONS UNDER WHICH MUNICIPAL LICENSES MAY
37 NOT BE ISSUED AND TO PROVIDE A PROCEDURE FOR A REFERENDUM REGARDING THE
38 AUTHORITY OF A GOVERNING BODY TO ISSUE MUNICIPAL LICENSES; AMENDING
39 CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-907,
40 IDAHO CODE, TO PROVIDE FOR THE FORM OF BALLOT; AMENDING CHAPTER 9, TITLE
41 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-908, IDAHO CODE, TO
42 PROVIDE FOR THE EFFECT OF AN ELECTION AND TO PROVIDE THAT CERTAIN SALES
43 SHALL NOT BE AFFECTED; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE
44 ADDITION OF A NEW SECTION 23-909, IDAHO CODE, TO PROVIDE FOR SUBSEQUENT
45

1 ELECTIONS; REPEALING SECTIONS 23-910, 23-911, 23-912, 23-913, 23-914,
2 23-915, 23-916, 23-917, 23-918, 23-919, 23-920 AND 23-921, IDAHO CODE,
3 RELATING TO RETAIL SALE OF LIQUOR BY THE DRINK; AMENDING CHAPTER 9, TI-
4 TLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-910, IDAHO CODE,
5 TO PROVIDE FOR APPLICATIONS FOR MUNICIPAL LICENSES; AMENDING CHAPTER
6 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-911, IDAHO
7 CODE, TO PROVIDE FOR THE INVESTIGATION OF APPLICATIONS, TO PROVIDE THAT
8 FALSE STATEMENTS SHALL CONSTITUTE A FELONY AND TO PROVIDE A PENALTY;
9 AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW
10 SECTION 23-912, IDAHO CODE, TO PROVIDE FOR RULES AND REGULATIONS, TO
11 PROVIDE FOR ADDITIONAL AUTHORITY AND DUTIES OF THE DIRECTOR, TO PROVIDE
12 FOR THE POWERS OF LICENSING AUTHORITIES OF COUNTIES AND CITIES AND TO
13 PROVIDE THAT LICENSEES SHALL ADVISE THEMSELVES OF THE RULES AND REGU-
14 LATIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A
15 NEW SECTION 23-913, IDAHO CODE, TO PROVIDE FOR LICENSE FEES; AMENDING
16 CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-915,
17 IDAHO CODE, TO PROHIBIT THE ISSUANCE OR TRANSFER OF CERTAIN LICENSES
18 TO SPECIFIED PERSONS AND TO PROVIDE FOR THE REVOCATION OF CERTAIN LI-
19 CENSES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A
20 NEW SECTION 23-916, IDAHO CODE, TO PROVIDE LOCATION AND DISTANCE PROVI-
21 SIONS REGARDING THE LOCATION OF PREMISES BEING ISSUED OR TRANSFERRED A
22 LICENSE AND TO PROVIDE EXCEPTIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO
23 CODE, BY THE ADDITION OF A NEW SECTION 23-917, IDAHO CODE, TO PROHIBIT
24 SPECIFIED PERSONS AND ENTITIES FROM PROVIDING EQUIPMENT, FIXTURES OR
25 OTHERWISE FURNISHING FINANCIAL AID TO ONE ENGAGED IN THE SALE OF LIQUOR
26 AND TO PROHIBIT LICENSEES FROM RECEIVING SUCH EQUIPMENT, FIXTURES OR
27 FINANCIAL AID; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION
28 OF A NEW SECTION 23-918, IDAHO CODE, TO PROVIDE CERTAIN RESTRICTIONS FOR
29 PERSONS INTERESTED IN THE PREMISES, TO PROVIDE AN EXCEPTION, TO PROVIDE
30 FOR THE APPLICABILITY OF RULES, REGULATIONS AND LAW, TO PROVIDE THAT
31 CERTAIN PERSONS SHALL NOT BE DISQUALIFIED FROM HOLDING CERTAIN LICENSES
32 AND TO CLARIFY THAT LICENSES FOR THE RETAIL SALE OF LIQUOR BY THE DRINK
33 MUST BE OBTAINED THROUGH NORMAL LAWFUL MEANS; AMENDING CHAPTER 9, TITLE
34 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-919, IDAHO CODE, TO
35 PROVIDE FOR THE FORM AND DISPLAY OF MUNICIPAL LICENSES, TO PROHIBIT CER-
36 TAIN TRANSFERS, TO PROVIDE THAT MUNICIPAL AND STATE LIQUOR LICENSES ARE
37 SEPARATE AND DISTINCT, TO RESTRICT THE EXERCISE OF PRIVILEGES UNDER A
38 LICENSE TO THE NAMED LICENSEE, TO PROVIDE FOR EXPIRATION AND RENEWAL, TO
39 PROVIDE FOR TRANSFERS OF STATE LIQUOR LICENSES, TO PROVIDE FOR FEES AND
40 TO PROVIDE EXCEPTIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE
41 ADDITION OF A NEW SECTION 23-920, IDAHO CODE, TO PROVIDE RESTRICTIONS
42 ON THE TRANSFER OF STATE LIQUOR LICENSES AND TO PROVIDE THAT CERTAIN
43 LICENSES SHALL BE SUBJECT TO LEVY AND DISTRAINT; AMENDING CHAPTER 9,
44 TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-921, IDAHO
45 CODE, TO PROVIDE FOR SUSPENSION, REVOCATION AND REFUSAL TO RENEW LI-
46 CENSES, TO PROVIDE FOR PETITIONS REQUESTING MONETARY PAYMENT IN LIEU
47 OF SUSPENSION, TO PROVIDE FOR GUIDELINES AND RULES REGARDING PERIODS
48 OF SUSPENSION AND MONETARY PAYMENTS IN LIEU OF SUSPENSION, TO PROVIDE
49 FOR ADDITIONAL SUSPENSIONS AND TO PROVIDE FOR THE RENEWAL OF CERTAIN
50 LICENSES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF

1 A NEW SECTION 23-921A, IDAHO CODE, TO PROVIDE FOR LICENSE SUSPENSION OR
2 REVOCATION UPON CONVICTION FOR VIOLATION OF OBSCENITY LAWS; AMENDING
3 CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-922,
4 IDAHO CODE, TO PROVIDE THAT THE SALE OF LIQUOR WITHOUT A LICENSE IS A
5 FELONY AND TO PROVIDE A PENALTY; AMENDING CHAPTER 9, TITLE 23, IDAHO
6 CODE, BY THE ADDITION OF A NEW SECTION 23-923, IDAHO CODE, TO PROVIDE
7 THAT CERTAIN LIQUOR SOLD BY LICENSEES SHALL BE PURCHASED FROM THE STATE
8 LIQUOR DIVISION, TO PROVIDE FOR SALES BY THE STATE LIQUOR DIVISION TO
9 LICENSEES AND TO DEFINE A TERM; AMENDING CHAPTER 9, TITLE 23, IDAHO
10 CODE, BY THE ADDITION OF A NEW SECTION 23-924, IDAHO CODE, TO PROVIDE FOR
11 THE EXAMINATION OF PREMISES BY CERTAIN PERSONS; AMENDING CHAPTER 9, TI-
12 TLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-925, IDAHO CODE,
13 TO PROVIDE THAT LICENSEES HAVING ILLEGAL LIQUOR ON PREMISES SHALL BE
14 GUILTY OF A FELONY, TO PROVIDE PENALTIES, TO PROVIDE FOR LICENSE REVOCA-
15 TION, TO PROVIDE FOR A DETERMINATION OF THE AMOUNT OF LIQUOR TO BE SOLD
16 TO LICENSEES, TO PROVIDE FOR THE SEIZURE OF ILLEGAL LIQUOR AND TO PRO-
17 VIDE AN EXCEPTION; REPEALING SECTIONS 23-926, 23-927 AND 23-928, IDAHO
18 CODE, RELATING TO RETAIL SALE OF LIQUOR BY THE DRINK; AMENDING CHAPTER
19 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-926, IDAHO
20 CODE, TO PROVIDE FOR THE POSTING OF AGE RESTRICTION SIGNS; AMENDING
21 CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-927,
22 IDAHO CODE, TO PROHIBIT DISPENSING LIQUOR OFF PREMISES, TO PROVIDE
23 EXCEPTIONS, TO PROHIBIT GAMING ON PREMISES AND TO PROVIDE AN EXCEP-
24 TION; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW
25 SECTION 23-928, IDAHO CODE, TO PROVIDE FOR ALCOHOL BEVERAGE CATERING
26 PERMITS AND APPLICATIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY
27 THE ADDITION OF A NEW SECTION 23-929, IDAHO CODE, TO PROVIDE A PROCEDURE
28 FOR CITIES AND COUNTIES UPON THE FILING OF AN APPLICATION FOR AN ALCOHOL
29 BEVERAGE CATERING PERMIT, TO PROVIDE FOR APPROVAL OR DISAPPROVAL, TO
30 PROVIDE THAT COPIES SHALL BE SENT OR RETAINED BY SPECIFIED PERSONS AND
31 TO PROVIDE THAT CERTAIN DOCUMENTS SHALL CONSTITUTE PERMITS; REPEALING
32 SECTIONS 23-930, 23-931, 23-932, 23-933, 23-933A, 23-933B, 23-934,
33 23-934A, 23-934B, 23-934C, 23-935, 23-936, 23-937, 23-938, 23-939,
34 23-941, 23-942, 23-943, 23-943A, 23-944, 23-945, 23-946, 23-947,
35 23-948, 23-949, 23-950, 23-951, 23-952, 23-953, 23-954, 23-955, 23-956
36 AND 23-957, IDAHO CODE, RELATING TO THE RETAIL SALE OF LIQUOR BY THE
37 DRINK; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A
38 NEW SECTION 23-930, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF
39 CERTAIN REGULATORY AND PENALTY PROVISIONS; AMENDING CHAPTER 9, TITLE
40 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-931, IDAHO CODE, TO
41 PROVIDE FOR THE DESTRUCTION OF STAMPS, TO PROVIDE SANITARY REQUIREMENTS
42 AND TO PROVIDE THAT A VIOLATION SHALL CONSTITUTE A MISDEMEANOR; AMEND-
43 ING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
44 23-932, IDAHO CODE, TO PROHIBIT THE SALE OF LIQUOR ON CERTAIN DAYS AND
45 AT CERTAIN TIMES, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR THE CONSUMPTION
46 OF LIQUOR ALREADY SERVED, TO PROVIDE THAT SPECIFIED CONDUCT REGARD-
47 ING ALCOHOLIC BEVERAGE CONSUMPTION SHALL CONSTITUTE A MISDEMEANOR, TO
48 PROVIDE FOR DUTIES REGARDING LOCKING UNSEALED CONTAINERS OF LIQUOR AND
49 TO PROVIDE THAT A VIOLATION SHALL CONSTITUTE A MISDEMEANOR; AMENDING
50 CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-933,

1 IDAHO CODE, TO PROVIDE FOR THE DUTY OF PUBLIC OFFICERS; REPEALING SEC-
 2 TIONS 23-1020 AND 23-1022, IDAHO CODE, RELATING TO PROVISIONS GOVERNING
 3 THE SALE OF BEER; AMENDING TITLE 23, IDAHO CODE, BY THE ADDITION OF A
 4 NEW CHAPTER 12, TITLE 23, IDAHO CODE, TO PROVIDE FOR CLERK AND SERVER
 5 TRAINING, TO DEFINE TERMS, TO PROVIDE FOR APPROVED TRAINING, TO PROVIDE
 6 FOR MANDATORY TRAINING FOR ON-PREMISES SALES, TO PROVIDE FOR VOLUN-
 7 TARY TRAINING FOR OFF-PREMISES SALES AND TO PROVIDE FOR ENFORCEMENT;
 8 AMENDING CHAPTER 13, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW
 9 SECTION 23-1304A, IDAHO CODE, TO PROVIDE FOR CERTIFICATION OF CERTAIN
 10 RESOLUTIONS AND ELECTIONS AND TO CLARIFY EFFECTIVENESS OF CERTAIN RES-
 11 OLUTIONS AND ELECTION RESULTS; AMENDING SECTION 23-1331, IDAHO CODE,
 12 TO PROVIDE FOR GUIDELINES AND RULES REGARDING PERIODS OF SUSPENSION
 13 AND MONETARY PAYMENT IN LIEU OF SUSPENSION; REPEALING SECTION 23-1335,
 14 IDAHO CODE, RELATING TO PROVISIONS GOVERNING THE COUNTY OPTION KITCHEN
 15 AND TABLE WINE ACT; AMENDING SECTION 18-7803, IDAHO CODE, TO REMOVE
 16 AND TO REVISE CODE REFERENCES; AMENDING SECTIONS 23-1312, 23-1406,
 17 AND 39-5502, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING
 18 SECTION 49-307, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND
 19 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7446, IDAHO CODE,
 20 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 18-1502, IDAHO
 21 CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 23-604A, IDAHO CODE,
 22 TO REMOVE CODE REFERENCES; AMENDING SECTION 31-3201, IDAHO CODE, TO
 23 REMOVE A CODE REFERENCE; AMENDING SECTION 31-3201A, IDAHO CODE, TO
 24 REMOVE A CODE REFERENCE; AMENDING SECTION 31-3201H, IDAHO CODE, TO RE-
 25 MOVE A CODE REFERENCE; AMENDING SECTION 31-3204, IDAHO CODE, TO REMOVE
 26 A CODE REFERENCE; AMENDING SECTION 32-1410, IDAHO CODE, TO REMOVE A
 27 CODE REFERENCE; AMENDING SECTION 72-1025, IDAHO CODE, TO REMOVE A CODE
 28 REFERENCE; AMENDING SECTION 72-1105, IDAHO CODE, TO REMOVE A CODE REF-
 29ERENCE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

31 SECTION 1. That Section 23-217, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 23-217. SURCHARGE ADDED TO PRICE OF ALCOHOLIC LIQUOR AND ALL OTHER
 34 MERCHANDISE SOLD -- COLLECTION AND REMISSION BY DIRECTOR. (1) The director
 35 of the division is hereby authorized and directed to include in the price
 36 of alcoholic liquor and all other merchandise sold in the division, and its
 37 branches, a surcharge equal to two percent (2%) of the current price per unit
 38 computed to the nearest multiple of five cents (5¢).

39 (2) After the price of the surcharge has been included, the director of
 40 the division is hereby authorized and directed to allow a discount of five
 41 ten percent (5~~10~~%) from the price of each order of alcoholic liquor and all
 42 other merchandise sold to any licensee person holding a state liquor li-
 43 cence, as defined in section 23-902(8), Idaho Code.

44 (3) The surcharge imposed pursuant to this section shall be collected
 45 and credited monthly to the drug court, mental health court and family court
 46 services fund, as set forth in section 1-1625, Idaho Code.

1 SECTION 2. That Section 23-603, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 23-603. DISPENSING TO A PERSON UNDER THE AGE OF TWENTY-ONE YEARS. (1)
4 Any person who is eighteen (18) years of age or older who shall sell, give,
5 or furnish, or cause to be sold, given, or furnished, alcohol beverage, in-
6 cluding any distilled spirits, beer or wine, to a person under the age of
7 twenty-one (21) years shall be guilty of a misdemeanor and upon conviction
8 thereof may be punished by a fine of not less than five hundred dollars (\$500)
9 nor more than one thousand dollars (\$1,000) per violation, or by imprison-
10 ment in the county jail for a period not to exceed one (1) year, or by both
11 such fine and imprisonment. A second or subsequent violation of this sec-
12 tion by the same defendant shall constitute a misdemeanor and upon convic-
13 tion thereof the defendant shall be punished by a fine of not less than one
14 thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) per
15 violation, or imprisonment in the county jail for a period not to exceed one
16 (1) year, or by both such fine and imprisonment. Notwithstanding the provi-
17 sions of section 19-4705, Idaho Code, moneys received pursuant to such fines
18 shall be deposited in the substance abuse treatment fund, as created in sec-
19 tion 23-408, Idaho Code. Upon conviction of any person for a violation of
20 the provisions of this section, the court shall notify the ~~director of the~~
21 ~~Idaho state police~~ responsible authority. ~~The director~~ responsible author-
22 ity shall review the circumstances of the conviction, and if the dispens-
23 ing took place at a licensed ~~establishment or other retailer or distributor~~
24 premises, the ~~director~~ responsible authority may take administrative action
25 ~~he considers appropriate against the licensee or business including suspen-~~
26 ~~sion of the license for not to exceed six (6) months, a fine, or both such sus-~~
27 ~~pension and fine~~ consistent with section 23-617, Idaho Code.

28 (2) For the purposes of this section, "responsible authority" means the
29 director, or the city council, chief executive of a city, mayor, board of
30 county commissioners or entity established by ordinance that issued the mu-
31 nicipal license for municipal licensees.

32 SECTION 3. That Section 23-604, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 23-604. MINORS -- PURCHASE, CONSUMPTION OR POSSESSION PROHIBITED --
35 PERSONS UNDER SPECIFIED AGES FORBIDDEN TO ENTER, REMAIN IN OR LOITER AT CER-
36 TAIN LICENSED PLACES. (1) Any person under twenty-one (21) years of age who
37 shall purchase, attempt to purchase, or otherwise consume or possess any al-
38 cohol beverage, including any distilled spirits, beer or wine, or who know-
39 ingly misrepresents his age for the purpose of entering a licensed premises
40 shall be guilty of an infraction upon a first violation and shall be guilty of
41 a misdemeanor upon a subsequent conviction and shall be punished according
42 to the schedule set out in section 18-1502, Idaho Code.

43 (2) No person under the age of twenty-one (21) years shall enter, remain
44 in or loiter in or about any place, as defined in this section, licensed for
45 the sale of liquor by the drink at retail, or sale of beer for consumption on
46 the premises; nor shall any licensee of either such place, or any person in
47 charge thereof, or on duty while employed by the licensee therein, permit or

1 allow any person under the age specified with respect thereto to remain in or
 2 loiter in or about such place.

3 (3) Provided however, it is lawful for persons who are musicians and
 4 singers eighteen (18) years of age or older, to enter and to remain in any
 5 place, as defined in this section, but only during and in the course of their
 6 employment as musicians and singers. Provided further, that it is lawful for
 7 persons who are nineteen (19) years of age or older to sell, serve, possess or
 8 dispense liquor, beer or wine in the course of their employment in any place,
 9 as defined in this section, or in any other place where liquor, beer or wine
 10 is lawfully present, as long as such place is the place of employment for such
 11 persons under twenty-one (21) years of age. However, the provisions of this
 12 subsection shall not permit the sale or distribution of any alcoholic bever-
 13 ages to any person under the ages specified for sale of alcoholic beverages.

14 (4) For purposes of this section, "place" means any room of any premises
 15 licensed for the sale of liquor by the drink at retail wherein there is a
 16 bar and liquor, bar supplies and equipment are kept and where beverages con-
 17 taining alcoholic liquor are prepared or mixed and served for consumption
 18 therein, and any room of any premises licensed for the sale of beer for con-
 19 sumption on the premises wherein there is a bar and beer, bar supplies and
 20 equipment are kept and where beer is drawn or poured and served for consump-
 21 tion therein.

22 SECTION 4. That Chapter 6, Title 23, Idaho Code, be, and the same is
 23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 24 ignated as Section 23-604B, Idaho Code, and to read as follows:

25 23-604B. EXCEPTIONS FROM RESTRICTION ON ENTERING OR REMAINING. (1) It
 26 shall not be unlawful for, nor shall section 23-604, Idaho Code, be construed
 27 to restrict any person under the age of twenty-one (21) years from entering
 28 or being:

29 (a) Upon the premises of any restaurant, eating establishment or
 30 lodging facility, as defined in section 23-902, Idaho Code, or in any
 31 railroad observation or club car or any airplane of a commercial air-
 32 line, notwithstanding that such premises may also be licensed for the
 33 sale of liquor by the drink or for the sale of beer for consumption on
 34 the premises or that alcohol beverages, or beer, or both, are prepared,
 35 mixed or dispensed and served and consumed therein;

36 (b) In any building, a part or portion of which is used as a place, as de-
 37 fined in this section, provided such place is separated or partitioned
 38 from the remainder of said building and access to such place through a
 39 doorway or doorways or other means of ingress can be controlled to pre-
 40 vent persons under the ages specified with respect thereto in section
 41 23-604, Idaho Code, from entering therein;

42 (c) In any baseball park, sports arena, convention center, multipur-
 43 pose arena, theater that is presenting live performances, or fair-
 44 grounds, notwithstanding that such premises or any portion thereof may
 45 be licensed for the sale of liquor by the drink, wine or beer for con-
 46 sumption on the premises or that such products are dispensed and served
 47 and consumed therein; provided however, that the person under the age
 48 of twenty-one (21) years is attending a lawful activity, show, exhibi-
 49 tion, performance or event on the premises or is required to be present

1 as a condition of his employment. It is lawful for persons under the
 2 age of twenty-one (21) years to enter and remain in a baseball park,
 3 sports arena, convention center, multipurpose arena or theater that is
 4 presenting live performances, or fairgrounds, as long as the activity,
 5 show, exhibition, performance or event is lawful and the person does not
 6 violate section 23-604(2), Idaho Code;

7 (d) On the premises of any licensed brewery or winery, notwithstanding
 8 that such premises or any portion thereof may also be licensed for the
 9 sale of beer or wine for consumption on the premises or that beer or wine
 10 is dispensed and served and consumed therein;

11 (e) On the licensed premises of a wine retailer wholly owned and oper-
 12 ated by a licensed winery that retails exclusively the products of that
 13 winery;

14 (f) At a location, other than a liquor, beer, or wine licensed premises,
 15 authorized to serve alcohol beverages under a valid alcohol beverage
 16 catering permit; or

17 (g) In any movie theater that is allowed to sell beer or wine for con-
 18 sumption on the premises pursuant to a valid license and which movie
 19 theater had a license that was valid and not suspended or revoked on
 20 January 1, 2006. No films, still pictures, electronic reproductions or
 21 other visual reproductions which are in violation of chapter 41, title
 22 18, Idaho Code, regarding indecency and obscenity, or are in violation
 23 of federal law regarding pornography, indecency or obscenity shall be
 24 shown or displayed on the premises. As used in this subsection, "movie
 25 theater" means a motion picture theater that is being utilized solely
 26 for exhibition of a motion picture.

27 (2) As used in this section, "place" means any room of any premises li-
 28 censed for the sale of liquor by the drink at retail wherein there is a bar and
 29 liquor, bar supplies and equipment are kept and where beverages containing
 30 alcoholic liquor are prepared or mixed and served for consumption therein,
 31 and any room of any premises licensed for the sale of beer for consumption on
 32 the premises wherein there is a bar and beer, bar supplies and equipment are
 33 kept and where beer is drawn or poured and served for consumption therein.

34 SECTION 5. That Section 23-605, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 23-605. DISPENSING TO DRUNK. (1) Any person who sells, gives, or dis-
 37 pensates any alcohol beverage, including any distilled spirits, beer or wine,
 38 to another person who is ~~intoxicated or apparently~~ obviously intoxicated
 39 shall be guilty of a misdemeanor and, upon conviction thereof, may be pun-
 40 ished by a fine of not less than five hundred dollars (\$500) nor more than one
 41 thousand dollars (\$1,000) per violation, or by imprisonment in the county
 42 jail for a period not to exceed one (1) year, or by both such fine and im-
 43 prisonment. A second or subsequent violation of this section by the same
 44 defendant shall constitute a misdemeanor and, upon conviction thereof, the
 45 defendant shall be punished by a fine of not less than one thousand dollars
 46 (\$1,000) nor more than two thousand dollars (\$2,000) per violation, or im-
 47 prisonment in the county jail for a period not to exceed one (1) year, or by
 48 both such fine and imprisonment. Notwithstanding the provisions of section
 49 19-4705, Idaho Code, moneys received pursuant to such fines shall be de-

1 posited in the substance abuse treatment fund, as created in section 23-408,
 2 Idaho Code. Upon conviction of any person for a violation of the provisions
 3 of this section, the court shall notify the responsible authority. The re-
 4 sponsible authority shall review the circumstances of the conviction, and,
 5 if the dispensing took place at a licensed establishment or other retailer
 6 or distributor, the responsible authority may take administrative action
 7 consistent with section 23-617, Idaho Code.

8 (2) For the purposes of this section, "responsible authority" means the
 9 director, or the city council, chief executive of a city, mayor, board of
 10 county commissioners or entity established by ordinance that issued the mu-
 11 nicipal license for municipal licensees.

12 SECTION 6. That Section 23-615, Idaho Code, be, and the same is hereby
 13 amended to read as follows:

14 23-615. RESTRICTIONS ON SALE. No person licensed pursuant to title 23,
 15 Idaho Code, or his or its employed agents, servants or bartenders shall sell,
 16 deliver or give away, or cause or permit to be sold, delivered, or given away,
 17 or allowed to be consumed, any alcohol beverage, including any distilled
 18 spirits, beer or wine, to:

19 (1) Any person under the age of twenty-one (21) years, proof of which
 20 shall be a validly issued state, district, territorial, possession, provin-
 21 cial, national or other equivalent government driver's license, identifica-
 22 tion card or military identification card bearing a photograph and date of
 23 birth, or a valid passport.

24 (2) ~~Any person actually, apparently or obviously intoxicated.~~

25 ~~(3) An habitual drunkard.~~

26 (43) An interdicted person.

27 Any person under the age of twenty-one (21) years, or other person,
 28 who knowingly misrepresents his or her qualifications for the purpose of
 29 entering licensed premises or for obtaining alcohol beverages from such li-
 30 censee shall be equally guilty with such licensee and shall, upon conviction
 31 thereof, be guilty of a misdemeanor.

32 SECTION 7. That Chapter 6, Title 23, Idaho Code, be, and the same is
 33 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 34 ignated as Section 23-617, Idaho Code, and to read as follows:

35 23-617. VIOLATIONS -- ADMINISTRATIVE PENALTIES. (1) The following ad-
 36 ministrative penalties shall apply to licensees for violations of the pro-
 37 visions of this chapter if all of the licensee's employees, at the time of
 38 the violation, have completed an approved alcohol training program in accor-
 39 dance with chapter 12, title 23, Idaho Code:

40 (a) For the first and second violation within a three (3) year period, a
 41 written warning shall be issued to the licensee who employs or employed
 42 the violator by the responsible authority that administers the license;

43 (b) For the third violation within a three (3) year period, the respon-
 44 sible authority shall impose an administrative fine in the amount of
 45 five hundred dollars (\$500) on the licensee who employs or employed the
 46 violator; and

1 (c) For a fourth or subsequent violation within a three (3) year period,
 2 the responsible authority shall review the circumstances and may take
 3 additional administrative action against the licensee including, but
 4 not limited to, revoking of the license, subject to compliance with this
 5 title.

6 (2) The following administrative penalties shall apply to licensees
 7 for violations of the provisions of this chapter if any of the licensee's em-
 8 ployees, at the time of the violation, have not completed an approved alcohol
 9 training program in accordance with chapter 12, title 23, Idaho Code:

10 (a) For the first violation within a three (3) year period, the respon-
 11 sible authority shall impose an administrative fine in the amount of
 12 three hundred dollars (\$300) on the licensee who employs or employed the
 13 violator;

14 (b) For a second violation within a three (3) year period, the respon-
 15 sible authority shall impose an administrative fine in the amount of one
 16 thousand dollars (\$1,000) on the licensee who employs or employed the
 17 violator; and

18 (c) For a third or subsequent violation within a three (3) year period,
 19 the responsible authority shall review the circumstances and may take
 20 additional administrative action against the licensee including, but
 21 not limited to, revoking of the license, subject to compliance with this
 22 title.

23 (3) Any fines imposed on a state licensee pursuant to the provisions of
 24 this section shall be paid to the division to be distributed pursuant to sec-
 25 tion 23-923, Idaho Code.

26 (4) Any fines imposed on a municipal licensee pursuant to the provi-
 27 sions of this section shall be paid to the city or county that issued the mu-
 28 nicipal license.

29 (5) For the purposes of this section "responsible authority" means the
 30 director, or the city council, chief executive of a city, mayor, board of
 31 county commissioners or entity established by ordinance that issued the mu-
 32 nicipal license for municipal licensees.

33 SECTION 8. That Section 23-901, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 23-901. DECLARATION OF POLICY -- RETAIL SALE OF LIQUOR. It is hereby
 36 declared as the policy of the state of Idaho that it is necessary to further
 37 regulate and control the sale and distribution within the state of alcoholic
 38 beverages, and to eliminate certain illegal traffic in liquor now existing,
 39 and to ~~insure~~ ensure the entire control of the sale of liquor, it is advisable
 40 and necessary, in addition to the operation of the state liquor stores now
 41 provided by law, that the ~~director of the Idaho state police and the boards~~
 42 of county commissioners and the councils of cities in the state of Idaho be
 43 empowered and authorized to grant licenses for liquor by the drink to per-
 44 sons qualified under this ~~act~~ chapter to sell liquor purchased by them at
 45 state liquor stores at retail posted prices in accordance with this ~~act~~ title
 46 and under the rules promulgated by said director ~~and under his strict super-~~
 47 ~~vision and control and to provide severe penalty for the sale of liquor ex-~~
 48 ~~cept by and in state liquor stores and by persons licensed under this act and~~
 49 regulation or ordinance enacted by a board of county commissioners or by a

1 city council. The restrictions, rules, and provisions contained in this aet
 2 chapter are enacted by the legislature for the protection, health, welfare
 3 and safety of the people of the state of Idaho and for the purpose of promot-
 4 ing and encouraging temperance in the use of alcoholic beverages within the
 5 state of Idaho.

6 SECTION 9. That Section 23-902, Idaho Code, be, and the same is hereby
 7 amended to read as follows:

8 23-902. DEFINITIONS. The following words and phrases used in this
 9 chapter shall be given the following interpretation:

10 (1) ~~"Club" includes any of the following organizations where the sale~~
 11 ~~of spirituous liquor for consumption on the premises is made to members and~~
 12 ~~to bona fide guests of members only:~~

13 ~~(a) A post, chapter, camp or other local unit composed solely of vet-~~
 14 ~~erans and their duly recognized auxiliary, and which is a post, chap-~~
 15 ~~ter, camp or other local unit composed solely of veterans which has been~~
 16 ~~chartered by the congress of the United States for patriotic, fraternal~~
 17 ~~or benevolent purposes, and which has, as the owner, lessee or occupant,~~
 18 ~~operated an establishment for that purpose in this state; or~~

19 ~~(b) A chapter, aerie, parlor, lodge or other local unit of an Ameri-~~
 20 ~~can national fraternal organization, which has as the owner, lessee~~
 21 ~~or occupant, operated an establishment for fraternal purposes in this~~
 22 ~~state and actively operates in not less than thirty-six (36) states or~~
 23 ~~has been in continuous existence for not less than twenty (20) years;~~
 24 ~~and which has not less than fifty (50) bona fide members in each unit,~~
 25 ~~and which owns, maintains or operates club quarters, and is autho-~~
 26 ~~rized and incorporated to operate as a nonprofit club under the laws of~~
 27 ~~this state, and which has recognized tax exempt status under section~~
 28 ~~501(c) (8) or 501(c) (10) of the Internal Revenue Code, and has been con-~~
 29 ~~tinuously incorporated and operating for a period of not less than one~~
 30 ~~(1) year. The club shall have had during that period of one (1) year, a~~
 31 ~~bona fide membership with regular meetings conducted at least once each~~
 32 ~~month, and the membership shall be and shall have been actively engaged~~
 33 ~~in carrying out the objects of the club. The club membership shall~~
 34 ~~consist of bona fide dues paying members, recorded by the secretary of~~
 35 ~~the club, paying at least six dollars (\$6.00) per year in dues, payable~~
 36 ~~monthly, quarterly or annually; and the members at the time of applica-~~
 37 ~~tion for a club license shall be in good standing, having paid dues for~~
 38 ~~at least one (1) full year.~~

39 ~~(2) "Convention" means a formal meeting of members, representatives,~~
 40 ~~or delegates, as of a political party, fraternal society, profession or in-~~
 41 ~~dustry.~~

42 ~~(3) "Director" means the director of the Idaho state police.~~

43 (3) "Eating establishment" means a restaurant, cafe, dining room, cof-
 44 fee shop, cafeteria or other establishment that must utilize at least sev-
 45 enty-five percent (75%) of the gross floor area for the preparation, cook-
 46 ing and serving of complete meals, have and actively operate a commercial
 47 kitchen that includes a type 1 commercial hood and cooking equipment, ex-
 48 cluding microwave ovens and grills, capable of cooking complete meals and
 49 be a public place kept, maintained and advertised as a place where complete

1 meals are served and where complete meals are actually and regularly served
2 during the time the establishment is open to the public. Limited food ser-
3 vice, such as is provided by luncheonettes, drive-ins, sandwich shops and
4 other similar uses does not meet the requirements of this definition.

5 (4) "Festival" means a period or program of festive activities, cul-
6 tural events or entertainment lasting three (3) or more consecutive days.

7 (5) "Gaming" means any and all gambling or games of chance defined in
8 chapters 38 and 49, title 18, Idaho Code, or any section or sections thereof,
9 whether those games are licensed or unlicensed.

10 ~~(6) "Interdicted person" means a person to whom the sale of liquor is~~
11 ~~prohibited under law.~~

12 ~~(7) "License" means a license issued by the director to a qualified per-~~
13 ~~son, under which it shall be lawful for the licensee to sell and dispense~~
14 ~~liquor by the drink at retail, as provided by law.~~

15 (86) "Licensee" means the person to whom a license is issued under the
16 provisions of law.

17 (97) "Liquor" means all kinds of liquor sold by and in a state liquor
18 store of the state of Idaho.

19 ~~(10) "Live performance" means a performance occurring in a theater and~~
20 ~~not otherwise in violation of any provision of Idaho law.~~

21 (8) "Lodging facility" means a building with permanent bona fide
22 overnight accommodations available to the general public.

23 ~~(119) "Municipal license" means a license issued by a municipality~~
24 ~~county or incorporated city of the state of Idaho under the provisions of~~
25 ~~law.~~

26 (120) "Party" means a social gathering especially for pleasure or
27 amusement and includes, but is not limited to, such social events as wed-
28 dings, birthdays, and special holiday celebrations to include, but not be
29 limited to, New Year's celebrations, Super Bowl Sunday, St. Patrick's Day,
30 the Fourth of July and Labor Day.

31 (131) "Person" means any individual, corporation, business corpora-
32 tion, nonprofit corporation, benefit corporation as defined in section
33 30-2002(1), Idaho Code, partnership, limited partnership, limited liabil-
34 ity company, general cooperative association, limited cooperative asso-
35 ciation, estate, unincorporated nonprofit association, statutory trust,
36 business trust, common-law business trust, estate trust, association,
37 joint venture, public corporation, government or governmental subdivision,
38 agency or instrumentality, any entity defined in section 30-21-102, Idaho
39 Code, or any other commercial entity, whether conducting the business sin-
40 gularly or collectively.

41 (142) "Premises" means the building and contiguous property owned, or
42 leased or used under a government permit by a licensee as part of the busi-
43 ness establishment in the business of sale of liquor by the drink at retail,
44 which property is improved to include decks, docks, boardwalks, lawns, gar-
45 dens, golf courses, ski resorts, courtyards, patios, poolside areas or simi-
46 lar improved appurtenances in which the sale of liquor by the drink at retail
47 is authorized under the provisions of law.

48 (13) "Qualified applicant" means any person who has a valid retail beer
49 license issued under the laws of the state of Idaho.

1 (154) "Rules" means rules promulgated by the director or ordinances en-
2 acted by a county or city in accordance with the provisions of law.

3 (15) "Specialty license" means a license duly issued by the director
4 prior to January 1, 2020, to a person, owner, operator or lessee of a: golf
5 course; winery; ski resort; equestrian facility; restaurant operated in an
6 airport; club; convention center; gondola resort complex; food, conference
7 and lodging facility; dining club or buffet car operated in connection with
8 regularly operated train service, or common carrier boat or common carrier
9 airline; waterfront resort; cross-country skiing facility; racing facil-
10 ity; theme park; ski resort facility or golf course which has had a split in
11 ownership; or a year-round resort.

12 (16) "State liquor license" means a license issued by the director
13 prior to January 1, 2020, under which it shall be lawful for the licensee to
14 sell and dispense liquor by the drink at retail, as provided by law.

15 (167) "State liquor store" means a liquor store or distributor estab-
16 lished under and pursuant to the laws of the state of Idaho for the package
17 sale of liquor at retail.

18 (178) "Theater" means a room, place or outside structure for perfor-
19 mances or readings of dramatic literature, plays or dramatic representa-
20 tions of an art form not in violation of any provision of Idaho law.

21 (189) "Brewery" means a place, premises or establishment for the manu-
22 facture, bottling or canning of beer.

23 (1920) "Winery" means a place, premises or establishment within the
24 state of Idaho for the manufacture or bottling of table wine or dessert wine
25 for sale. Two (2) or more wineries may use the same premises and the same
26 equipment to manufacture their respective wines, to the extent permitted by
27 federal law.

28 (201) All other words and phrases used in this chapter, the definitions
29 of which are not herein given in this section, shall be given their ordinary
30 and commonly understood and acceptable meanings.

31 SECTION 10. That Sections [23-903](#), [23-903a](#), [23-903b](#), [23-904](#), [23-905](#),
32 [23-906](#), [23-907](#) and [23-908](#), Idaho Code, be, and the same are hereby repealed.

33 SECTION 11. That Chapter 9, Title 23, Idaho Code, be, and the same is
34 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
35 ignated as Section 23-903, Idaho Code, and to read as follows:

36 23-903. NO RETAIL SALE EXCEPT BY THE DRINK -- RESTRICTIONS ON
37 SALES. (1) It shall be unlawful for any licensee to sell, keep for sale,
38 dispense, give away, or otherwise dispose of any liquor in the original con-
39 tainers or otherwise than by retail sale by the drink.

40 (2) No person licensed pursuant this title, or his agent, officer, or
41 employee, shall sell, deliver, give away, or allow the consumption of any al-
42 cohol beverage, including distilled spirits, beer or wine, to:

43 (a) Any person under the age of twenty-one (21) years. Proof of proper
44 age shall be a validly issued state, district, territorial, provincial,
45 national or other equivalent driver's license, government identifica-
46 tion card, military identification card or passport bearing a photo-
47 graph and date of birth; or

48 (b) Any person obviously intoxicated.

1 SECTION 12. That Chapter 9, Title 23, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 23-904, Idaho Code, and to read as follows:

4 23-904. GRANDFATHER CLAUSE. Any person who, on January 1, 2020, holds
5 a valid retail liquor license shall be accorded "grandfather rights," and
6 shall be deemed to have a state liquor license and be subject to the applica-
7 ble provisions of this chapter and rules promulgated by the director. State
8 liquor licenses, unless stated otherwise or prohibited by ordinance, shall
9 be freely transferable throughout the state of Idaho wherever liquor by the
10 drink establishments are allowed. Specialty licenses that were issued prior
11 to January 1, 2020, shall also be deemed state liquor licenses; provided how-
12 ever, these licenses shall not be transferred to any other location or per-
13 son.

14 SECTION 13. That Chapter 9, Title 23, Idaho Code, be, and the same is
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
16 ignated as Section 23-905, Idaho Code, and to read as follows:

17 23-905. AUTHORIZATION FOR COUNTIES AND CITIES TO LICENSE RETAIL
18 LIQUOR. (1) Counties are hereby empowered and authorized to issue municipi-
19 pal licenses to qualified applicants for eating establishments and lodging
20 facilities outside the incorporated limits of any city within said county,
21 as provided in this section, whereby the licensee shall be authorized and
22 permitted to sell liquor by the drink at retail and, upon the issuance of
23 such license, the licensee therein named shall be authorized to sell liquor
24 by the drink at retail, but only in accordance with the provisions of this
25 chapter and any rules promulgated or ordinance adopted by the board of county
26 commissioners of the licensing county.

27 (2) Incorporated cities are hereby empowered and authorized to issue
28 municipal licenses to qualified applicants for eating establishments and
29 lodging facilities within the corporate limits of such city, as provided
30 in this section, whereby the licensee shall be authorized and permitted to
31 sell liquor by the drink at retail and, upon the issuance of such license,
32 the licensee therein named shall be authorized to sell liquor by the drink at
33 retail, but only in accordance with the provisions of this chapter and any
34 rules promulgated or ordinance adopted by the city council of the licensing
35 city.

36 (3) The boards of county commissioners and city councils are empowered
37 to create rules, requirements and criteria by ordinance for the equitable
38 and fair administration of municipal licenses consistent with state law;
39 provided however, that any such criteria shall not be inconsistent with this
40 chapter.

41 SECTION 14. That Chapter 9, Title 23, Idaho Code, be, and the same is
42 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
43 ignated as Section 23-906, Idaho Code, and to read as follows:

44 23-906. REFERENDUM. Municipal licenses may be issued after sixty (60)
45 days of the effective date of this act unless there is an existing resolu-
46 tion or ordinance, or one is adopted by a city council or county commission,

1 or an election, pursuant to this chapter and Idaho law, is held to prohibit
2 municipal licenses for the retail sale of liquor by the drink. Within sixty
3 (60) days after the effective date of this act, a petition in writing pro-
4 posed by a person and signed by not less than twenty percent (20%) of the reg-
5 istered, qualified electors of any county or city may be filed with the clerk
6 of said county or city as their protest against the authority of the govern-
7 ing body to issue municipal licenses in said county or city under the provi-
8 sions of this act. In the event said petition is presented, the governing
9 body of any such county or city shall, within five (5) days after the presen-
10 tation of said petition, meet and determine the sufficiency thereof by as-
11 certaining whether said petition is signed by the required number of regis-
12 tered, qualified electors of the county or city affected. In the event the
13 governing body of said county or city determines that said petition is signed
14 by the required percentage of registered, qualified electors, said govern-
15 ing body shall forthwith make an order calling an election to be held within
16 said county or city, subject to the provisions of chapter 6, title 34, Idaho
17 Code, in the manner provided by law for holding elections for county or city
18 officers. All laws of the state of Idaho relating to the holding of elections
19 of county or city officers for such county or city, whether special charter
20 or general law of the state, shall apply to the holding of the election pro-
21 vided for in this section, except where specifically modified in this sec-
22 tion. In addition to the other requirements of law, the notice of election
23 shall notify the electors of the issue to be voted on at said election.

24 SECTION 15. That Chapter 9, Title 23, Idaho Code, be, and the same is
25 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
26 ignated as Section 23-907, Idaho Code, and to read as follows:

27 23-907. FORM OF BALLOT. The county or city clerk must furnish the bal-
28 lots to be used in such election, which ballots must contain the following
29 words:

30 "Municipal licenses for the sale of liquor by the drink, Yes,"

31 "Municipal licenses for the sale of liquor by the drink, No,"

32 and the elector, in order to vote, must mark opposite one (1) of the questions
33 in a space provided therefor.

34 SECTION 16. That Chapter 9, Title 23, Idaho Code, be, and the same is
35 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
36 ignated as Section 23-908, Idaho Code, and to read as follows:

37 23-908. EFFECT OF ELECTION -- LIQUOR STORE SALES NOT AFFECTED. Upon a
38 canvass of the votes cast, the clerk of the county or city shall certify the
39 result thereof to the governing body. If a majority of the votes cast are
40 "sale of liquor by the drink, Yes," municipal licenses shall be issued in
41 said county or city as provided in this act. If a majority of the votes cast
42 are "sale of liquor by the drink, No," then no municipal licenses shall be
43 issued in said county or city unless thereafter authorized by a subsequent
44 election in said county or city; provided however, that nothing in this sec-
45 tion, nor any resolution shall be construed to prevent or prohibit the sale
46 of liquor at or by a state liquor store, state distributor or holder of a
47 state liquor license issued for a premises within such county or city.

1 SECTION 17. That Chapter 9, Title 23, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 23-909, Idaho Code, and to read as follows:

4 23-909. SUBSEQUENT ELECTIONS. An election may be subsequently called
5 and held on the issue of whether the sale of liquor by the drink shall be
6 prohibited or, if prohibited, then an election to determine whether sale
7 of liquor by the drink shall be permitted. Such subsequent election shall
8 be held upon the filing of a petition, as provided in section 23-906, Idaho
9 Code, signed by the requisite percentage of qualified electors. No such sub-
10 sequent election shall be held prior to November 1, 2020, or more often than
11 two (2) years after the holding of any such subsequent election.

12 SECTION 18. That Sections 23-910, 23-911, 23-912, 23-913, 23-914,
13 23-915, 23-916, 23-917, 23-918, 23-919, 23-920 and 23-921, Idaho Code, be,
14 and the same are hereby repealed.

15 SECTION 19. That Chapter 9, Title 23, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 23-910, Idaho Code, and to read as follows:

18 23-910. APPLICATION FOR MUNICIPAL LICENSES. (1) Prior to the issuance
19 of a municipal license as provided in this section, an applicant shall file
20 with the county, if outside the limits of an incorporated city or alterna-
21 tively, the city, if the premises is located within an incorporated city, an
22 application, in writing, signed by the applicant and containing such infor-
23 mation and statements relative to the applicant and the premises where the
24 liquor is to be sold as may be required by the county or city, along with a
25 nonrefundable application fee of four hundred dollars (\$400). The applica-
26 tion shall be verified by the affidavit of the person making the same before
27 a person authorized to administer oaths and shall be accompanied by the li-
28 cense fee required in this section.

29 (2) In addition to setting forth the qualifications required by other
30 provisions of this act, the applicant must show:

31 (a) A complete copy of the beer license application filed with the state
32 pursuant to chapter 10, title 23, Idaho Code;

33 (b) A copy of a valid state beer license issued to the applicant;

34 (c) A copy of a valid county beer license issued to the applicant; and

35 (d) If, during the period of any license issued pursuant to this sec-
36 tion, any change shall take place in any of the requirements of this
37 subsection, the licensee shall forthwith make a written report of such
38 change to the respective local authority.

39 SECTION 20. That Chapter 9, Title 23, Idaho Code, be, and the same is
40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
41 ignated as Section 23-911, Idaho Code, and to read as follows:

42 23-911. INVESTIGATION OF APPLICATIONS -- PENALTY FOR FALSE STATE-
43 MENTS. (1) Upon receipt of an application for a municipal license under
44 this act, accompanied by the necessary license fee, the county or city,
45 if the premises are within an incorporated city, within ninety (90) days

1 thereafter, may cause to be made a thorough investigation of all matters
2 pertaining thereto. If the county or city, if applicable, determines that
3 the contents of the application are true, that such applicant is qualified
4 to receive a license, and that the requirements of this act and the rules
5 promulgated by the county or city are met and complied with, it shall issue
6 such license; otherwise the application shall be denied and the license fee,
7 less the costs and expenses of investigation, returned to the applicant.

8 (2) In making an investigation pursuant to this section, the county or
9 city shall have the power to investigate and examine the books and records
10 of the licensee and any person having a financial interest in any business to
11 be conducted on the licensed premises, including, but not limited to, their
12 bank accounts, returns filed under the Idaho income tax act, as amended, and
13 any other sources of information deemed desirable by the county or city and
14 not specifically prohibited by law.

15 (3) If any false statement is made in any part of said application, or
16 any subsequent report, the applicant, or applicants, shall be deemed guilty
17 of a felony and upon conviction thereof shall be imprisoned in the state
18 prison for not less than one (1) year nor more than five (5) years and fined
19 not less than one thousand dollars (\$1,000) nor more than five thousand dol-
20 lars (\$5,000), or both such fine and imprisonment.

21 SECTION 21. That Chapter 9, Title 23, 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 23-912, Idaho Code, and to read as follows:

24 23-912. RULES AND REGULATIONS -- FORMS AND RECORDS. (1) For the pur-
25 pose of the administration of state liquor licenses, the director shall
26 make, promulgate and publish such rules and regulations as said director
27 may deem necessary for carrying out the provisions of this act and for the
28 orderly and efficient administration of this section, and except as may be
29 limited or prohibited by law and the provisions of this act, such rules and
30 regulations so made and promulgated shall have the force of statute. With-
31 out limiting the generality of the provisions of this section, the director
32 shall be empowered and it is made his duty to prescribe forms to be used in
33 the administration of this act, the proof to be furnished and the conditions
34 to be observed in the issuance of state liquor licenses, prescribing forms
35 or records to be kept of the sale of liquor, prescribing notices required by
36 this act or the regulations thereof, and the manner of giving and serving
37 the same, prescribing, subject to the provisions of this act, the conditions
38 and qualifications necessary to transfer a license if allowed, the books
39 and records to be kept by the licensee, the form of returns to be made by
40 the licensee, and providing for the inspection of such licensed premises,
41 specifying and describing the place and manner in which the liquor may be
42 lawfully kept or stored, covering the conduct, management and equipment of
43 premises licensed to sell liquor and make regulations respecting the sale
44 and consumption of liquor.

45 (2) The licensing authority of any county or incorporated city shall
46 have and exercise the same powers to administer municipal licenses issued or
47 issuable by it as are granted to the director in this section.

48 (3) Every licensee shall advise himself of such rules and regulations,
49 and ignorance thereof shall be no defense.

1 SECTION 22. That Chapter 9, Title 23, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 23-913, Idaho Code, and to read as follows:

4 23-913. LICENSE FEES. (1) Each city council and board of county com-
5 missioners is authorized and empowered to impose and collect a onetime, non-
6 refundable application fee and the annual license fee from qualified appli-
7 cants.

8 (2) Each city council and board of county commissioners is authorized
9 and empowered to impose and collect an annual license fee for municipal li-
10 censes it issues in an amount not less than three thousand dollars (\$3,000).
11 In establishing the amount of such fee, a city or county may consider the im-
12 pacts of newly licensed establishments, including both direct and indirect
13 costs upon municipal services, maintenance of public safety and other costs
14 of managing municipal licenses.

15 (3) The director is hereby authorized and empowered to impose and col-
16 lect an annual license fee for state liquor licenses as follows:

17 (a) For each license in a city having a population of one thousand
18 (1,000) or less, three hundred dollars (\$300) per annum.

19 (b) For each license in a city having a population of one thousand
20 (1,000) to three thousand (3,000), five hundred dollars (\$500) per an-
21 num.

22 (c) For each license in a city having a population of more than three
23 thousand (3,000), seven hundred fifty dollars (\$750) per annum.

24 (d) For each railroad train for sale only in buffet, club or dining
25 cars, fifty dollars (\$50.00) per annum of the scheduled run of such
26 train within the state of Idaho; provided however, that such license
27 shall be in full, and in lieu of all other licenses provided for in this
28 section.

29 (e) For each common carrier boat line for sale only in buffet, club or
30 dining rooms, two hundred fifty dollars (\$250) per annum. Such license
31 shall be in full, and in lieu of all other licenses provided for in this
32 section.

33 (f) For each license issued to the owner, operator, or lessee of a golf
34 course as described in section 23-902, Idaho Code, or to the lessee of
35 any premises situate on such golf course, situate in any county having a
36 population of:

37 (i) Less than twenty thousand (20,000), two hundred dollars
38 (\$200) per annum;

39 (ii) Twenty thousand (20,000) but less than forty thousand
40 (40,000), three hundred dollars (\$300) per annum; and

41 (iii) Forty thousand (40,000) or more, four hundred dollars (\$400)
42 per annum.

43 (g) For each common carrier airline for sale only in common carrier air-
44 craft, two hundred fifty dollars (\$250) per annum. Such license shall
45 be in full, and in lieu of all other licenses provided for in this sec-
46 tion.

47 (h) For each license issued to the owner, operator, or lessee of a
48 restaurant operated in an airport, as described in section 23-902,
49 Idaho Code, situate within the corporate limits of a city, the fee shall

1 be the same as provided in paragraphs (a) through (c) of this subsec-
2 tion.

3 (i) For each license issued to the owner, operator, or lessee of a
4 restaurant operated in an airport, as described in section 23-902,
5 Idaho Code, situate without the corporate limits of a city, the fee
6 shall be the same as provided in paragraph (f) of this section. Licenses
7 issued pursuant to the provisions of this chapter shall expire at 1:00
8 a.m. on the first day of January of the following year.

9 (j) For each license issued to an owner or operator of a year-round
10 resort as described in section 23-902, Idaho Code, a onetime fee of
11 twenty-five thousand dollars (\$25,000), with a subsequent renewal fee
12 of three thousand five hundred dollars (\$3,500) per annum. For each
13 license issued to an owner or operator of a beverage, lodging or din-
14 ing facility within the premises of a year-round resort as described
15 in section 23-902, Idaho Code, a onetime fee of twenty-five thousand
16 dollars (\$25,000), with a subsequent renewal fee of three thousand five
17 hundred dollars (\$3,500) per annum. For each license issued to a lessee
18 of a beverage, lodging or dining facility within the premises of the
19 year-round resort as described in section 23-902, Idaho Code, a onetime
20 fee of twenty-five thousand dollars (\$25,000), with a subsequent re-
21 newal fee of three thousand five hundred dollars (\$3,500) per annum.

22 (4) Provided that any licensee who operates for only a portion of a year
23 may have his license fee prorated from the date he commences operation to the
24 end of the calendar year, but in no event for less than six (6) months.

25 (5) In the event a licensee who was previously issued a license on a pro-
26 rated basis, pursuant to the provisions of this section, desires to have such
27 license renewed for the same period for the next succeeding year, he shall
28 file his intention to so apply for such license with the director, accompa-
29 nied by the fee required for the issuance of such license on or before Decem-
30 ber 31 of the year preceding.

31 (6) The license fees provided for in this section are exclusive of and
32 in addition to other license fees chargeable in the state of Idaho.

33 SECTION 23. That Chapter 9, Title 23, Idaho Code, be, and the same is
34 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
35 ignated as Section 23-915, Idaho Code, and to read as follows:

36 23-915. PERSONS NOT QUALIFIED TO BE LICENSED. No municipal license
37 shall be issued to, nor shall a state liquor license be transferred, if al-
38 lowed, to:

39 (1) Any person, or any one (1) of its members, officers, or governing
40 board, who has, within three (3) years prior to the date of making applica-
41 tion, been convicted of any violation of the laws of the United States, the
42 state of Idaho, or any other state of the United States, or of the resolutions
43 or ordinances of any county or city of this state, relating to the importa-
44 tion, transportation, manufacture or sale of alcoholic liquor or beer; or
45 who has been convicted, paid any fine, been placed on probation, received a
46 deferred sentence, received a withheld judgment or completed any sentence of
47 confinement for any felony within five (5) years prior to the date of making
48 application for any license;

1 (2) A person who is engaged in the operation, or interested therein, of
2 any house or place for the purpose of prostitution or who has been convicted
3 of any crime or misdemeanor opposed to decency and morality;

4 (3) A person whose license issued under this act has been revoked;
5 an individual who was a member of a partnership or association that was a
6 licensee under this act and whose license has been revoked; an individual
7 who was an officer, member of the governing board or one (1) of the ten (10)
8 principal stockholders of a corporation that was a licensee under this act
9 and whose license has been revoked; a partnership or association, one (1) of
10 whose members was a licensee under this act and whose license was revoked; a
11 corporation, one (1) of whose officers, members of the governing board or ten
12 (10) principal stockholders was a licensee under the provisions of this act
13 and whose license has been revoked; an association or partnership, one (1) of
14 whose members was a member of a partnership or association licensed under the
15 provisions of this act and whose license has been revoked; a partnership or
16 association, one (1) of whose members was an officer, a member of the govern-
17 ing board, or one (1) of the ten (10) principal stockholders of a corporation
18 licensed under the provisions of this act and whose license has been revoked;
19 a corporation, one (1) of whose officers, members of the governing board, or
20 ten (10) principal stockholders was a member of a partnership or association
21 licensed under the provisions of this act and whose license was revoked;
22 a corporation, one (1) of whose officers, members of the governing board,
23 or ten (10) principal stockholders was an officer, member of the governing
24 board, or one (1) of the ten (10) principal stockholders of a corporation
25 licensed under the provisions of this act and whose license was revoked;

26 (4) Any officer, agent, or employee of any distillery, winery, brewery,
27 or any wholesaler, or jobber, of liquor or malt beverages except as provided
28 in section 23-918, Idaho Code. This prohibition shall not apply to offi-
29 cers, agents, or employees of any winery operating a golf course on the same
30 premises as the winery; or

31 (5) A person who does not hold a retail beer license issued by the state
32 of Idaho.

33 (6) Any license, held by any licensee disqualified under the provisions
34 of this section from being issued a license, shall forthwith be revoked.

35 SECTION 24. That Chapter 9, Title 23, Idaho Code, be, and the same is
36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
37 ignated as Section 23-916, Idaho Code, and to read as follows:

38 23-916. LICENSEE NOT ALLOWED NEAR CHURCHES OR SCHOOLS -- EXCEP-
39 TIONS. No municipal or state liquor license shall be issued or transferred,
40 respectively, to any premises in any neighborhood that is predominantly
41 residential or within three hundred (300) feet of any public school, church,
42 or any other place of worship, measured in a straight line to the nearest en-
43 trance to the licensed premises, except with the approval of the city council
44 or board of county commissioners; provided however, that this limitation
45 shall not apply to any duly licensed premises that at the time of licensing
46 did not come within the restricted area, but subsequent to licensing came
47 within the restricted area.

1 SECTION 25. That Chapter 9, Title 23, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 23-917, Idaho Code, and to read as follows:

4 23-917. RESTRICTIONS ON MANUFACTURERS, TRANSPORTERS OR DIS-
5 TILLERS. Except as provided in sections 23-915 and 23-918, Idaho Code, no
6 manufacturer, rectifier, wholesaler, stockholder, shareholder, partner or
7 the owner of any other interest in any corporation, association or partner-
8 ship financially interested in the manufacture, transportation or sale of
9 liquor shall furnish, give, rent, lend or sell any equipment or fixtures di-
10 rectly or indirectly, or through a subsidiary or affiliate or by any officer,
11 director or firm member of the industry or otherwise furnish financial aid
12 to any person engaged in the sale of liquor pursuant to this section and no
13 licensee pursuant to this section shall receive or be the beneficiary of any
14 of the benefits hereby prohibited.

15 SECTION 26. That Chapter 9, Title 23, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 23-918, Idaho Code, and to read as follows:

18 23-918. RESTRICTIONS OF PERSONS INTERESTED IN PREMISES. (1) Except
19 as provided in subsection (2) of this section, no manufacturer, rectifier,
20 wholesaler, stockholder, shareholder, partner or the owner of any other
21 interest in any corporation, association or partnership financially inter-
22 ested in the manufacture, transportation (except public carriers), or sale
23 of liquor shall hold any interest in any premises licensed pursuant to this
24 section for the sale of liquor or receive any rental or remuneration from any
25 such premises.

26 (2) A manufacturer, rectifier, wholesaler, stockholder, shareholder,
27 partner or the owner of any interest in any corporation, association or part-
28 nership financially interested in the manufacture, transportation or sale
29 of liquor may hold interest in a licensed premises if the licensed premises
30 serves food cooked on the site of the licensed premises, and the person or en-
31 tity can show through recordkeeping that no more than fifty percent (50%) of
32 the gross revenue to the licensed premises is derived from the sale of alco-
33 holic beverages on site. The owner of the licensed premises pursuant to this
34 subsection shall comply with and be subject to all other rules, regulations
35 or other provisions of law that apply to manufacturers, rectifiers, whole-
36 salers, stockholders, shareholders, partners or the owners of any interest
37 in any corporation, association or partnership financially interested in
38 the manufacture, transportation or sale of liquor save and except as such
39 rules, regulations or laws may restrict such sales at the licensed premises.
40 The holder of a license pursuant to this section shall not be disqualified
41 from holding a beer license, a retail wine license or wine by the drink li-
42 cense for the sale of beer or wine at the licensed premises on the grounds
43 that the licensee is also a manufacturer, wholesaler, stockholder, share-
44 holder, partner or the owner of any interest in any corporation, association
45 or partnership financially interested in the manufacture, transportation or
46 sale of liquor, beer or wine. This subsection shall not be deemed to grant a
47 license for the retail sale of liquor by the drink, and the license must be
48 obtained through normal lawful means.

1 SECTION 27. That Chapter 9, Title 23, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 23-919, Idaho Code, and to read as follows:

4 23-919. FORM OF LICENSE -- AUTHORITY -- EXPIRATION -- LIMITATIONS. (1)
5 Every municipal license issued under the provisions of this chapter shall
6 set forth the name of the person to whom it is issued, the location by street
7 and number, or other definite designation of the premises, and such other in-
8 formation as the county or city, if the premises are within an incorporated
9 city, shall deem necessary. If issued to a partnership, the names of the per-
10 sons constituting such partnership shall be set forth in the application.
11 If issued to a corporation or association, the names of the principal offi-
12 cers and the governing board shall be set forth in the application. Such li-
13 cense shall be signed by the licensee and prominently displayed in the place
14 of business at all times.

15 (2) Such municipal license shall be site-specific and not be trans-
16 ferred to any other location or person.

17 (3) Every municipal and state liquor license is separate and distinct
18 and no person except the licensee therein named, except as otherwise pro-
19 vided in this section, shall exercise any of the privileges granted thereun-
20 der. All licenses shall expire at 1:00 a.m. on the first day of the renewal
21 month which shall be determined by rule and shall be subject to annual re-
22 newal upon proper application. Renewal applications for liquor by the drink
23 licenses accompanied by the required fee must be filed on or before the first
24 day of the designated renewal month. Any licensee holding a valid license
25 who fails to file an application for renewal of his current license on or be-
26 fore the first day of the designated renewal month shall have a grace period
27 of an additional thirty-one (31) days in which to file an application for re-
28 newal of the license. The licensee shall not be permitted to sell and dis-
29 pense liquor by the drink at retail during the thirty-one (31) day extended
30 time period unless and until the license is renewed.

31 (4) An application to transfer any state liquor license shall be made to
32 the director. Upon receipt of such an application, the director shall make
33 the same investigation and determinations with respect to the transferee as
34 are required by sections 23-910 and 23-911, Idaho Code, and if the director
35 shall determine that all of the conditions required of a licensee under this
36 chapter have been met by the proposed transferee, then the license shall be
37 endorsed over to the proposed transferee by said licensee for the remainder
38 of the period for which such license has been issued and the director shall
39 issue a license to the transferee.

40 (5) The director, in his discretion, may deny the transfer of a license
41 during the pendency of any proceedings for suspension or revocation that
42 were instituted pursuant to the terms of this chapter.

43 (6) The fee for transferring a state liquor license shall be ten percent
44 (10%) of the purchase price of the state liquor license or the cost of good
45 will, whichever is greater; except no fee shall be collected in the following
46 events:

47 (a) The transfer of a license between husband and wife in the event of a
48 property division;

1 (b) The transfer of a license to a receiver, trustee in bankruptcy or
2 similar person or officer;

3 (c) The transfer of a license to the heirs or personal representative of
4 the estate in the event of the death of the licensee;

5 (d) The transfer of a license arising out of the dissolution of a part-
6 nership where the license is transferred to one (1) or more of the part-
7 ners; or

8 (e) The transfer of a license within a family, whether an individual,
9 partnership or corporation.

10 (7) The fee for transferring a state liquor license for other than a
11 sale shall be fifty percent (50%) of the per annum license fee for state
12 liquor licenses set forth in section 23-913, Idaho Code, except no fee shall
13 be collected for transfers as outlined in subsection (6) of this section.

14 SECTION 28. That Chapter 9, Title 23, Idaho Code, be, and the same is
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
16 ignated as Section 23-920, Idaho Code, and to read as follows:

17 23-920. RESTRICTION AGAINST TRANSFER OF STATE LIQUOR LICENSES. (1) No
18 state liquor license shall be transferred, assigned, leased or sold if:

19 (a) The state liquor license when issued was not transferable;

20 (b) The state tax commission has notified the director and the licensee
21 in writing that any tax imposed by chapters 30 and 36, title 63, Idaho
22 Code, interest, penalty, and additional amount, which has accrued as a
23 result of the operation of the licensed premises, has been assessed as
24 that term is described in section 63-3045A, Idaho Code, against the li-
25 censee or any person operating the licensed premises with the permis-
26 sion of the licensee; or

27 (c) The department of labor has notified the director and the licensee
28 in writing that a lien has been filed against the licensee or any person
29 operating the licensed premises with the permission of the licensee, as
30 a result of the operation of the licensed premises securing amounts due
31 pursuant to chapter 13, title 72, Idaho Code.

32 (2) At such time as the state tax commission or the department of la-
33 bor has notified the director and licensee as provided in this section, the
34 license issued for the premises, the operation of which has resulted in the
35 accrual of the tax for which the warrant or lien is outstanding, shall be sub-
36 ject to levy and distraint pursuant to chapter 30, title 63, Idaho Code, or
37 seizure pursuant to section 72-1360A, Idaho Code.

38 SECTION 29. That Chapter 9, Title 23, Idaho Code, be, and the same is
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
40 ignated as Section 23-921, Idaho Code, and to read as follows:

41 23-921. SUSPENSION, REVOCATION AND REFUSAL TO RENEW LICENSES. (1) The
42 director may suspend, revoke or refuse to renew a state liquor license for
43 any violation of, or failure to comply with, the provisions of this chapter
44 or rules and regulations promulgated by the director pursuant to the terms
45 and conditions of this chapter. Procedures for the suspension, revocation
46 or refusal to renew licenses issued under this chapter shall be in accordance
47 with the provisions of chapter 52, title 67, Idaho Code.

1 (2) When the director determines to suspend such license, the affected
2 licensee may petition the director, prior to the effective date of the sus-
3 pension, requesting that a monetary payment be allowed in lieu of the license
4 suspension. If the director determines such payment to be consistent with
5 the purpose of the laws of the state of Idaho and is in the public interest, he
6 shall establish a monetary payment in an amount not to exceed five thousand
7 dollars (\$5,000). The licensee may reject the payment amount determined by
8 the director, and instead be subject to the suspension provisions of subsec-
9 tion (1) of this section. Upon payment of the amount established, the direc-
10 tor shall cancel the suspension period. The director shall cause any payment
11 to be paid to the treasurer of the state of Idaho for disposition consistent
12 with section 23-923, Idaho Code.

13 (3) The director may adopt guidelines and rules, which shall be avail-
14 able to licensees and members of the public, stating the minimum and maxi-
15 mum periods of suspensions or minimum and maximum amounts of monetary pay-
16 ments the division will consider in lieu of the imposition of suspensions for
17 particular violations of the provisions of this title. Guidelines and rules
18 adopted by the division shall not prevent, or be construed to prohibit, the
19 director from imposing a greater or lesser period of suspension, or imposing
20 a greater or lesser monetary payment, within the limits established by this
21 section, based upon aggravated or extenuating circumstances found to exist
22 by the director.

23 (4) The suspension of a license for the sale of beer or wine shall auto-
24 matically result in the suspension of any state or municipal license for the
25 sale of liquor held by the same licensee and issued for the same premises.
26 Such additional suspension shall be equal in length to and run concurrently
27 with the period of the original suspension.

28 (5) When a proceeding to revoke or suspend a state liquor license has
29 been or is about to be instituted, during the time when renewal of such state
30 liquor license is pending before the director, the director shall renew the
31 state liquor license notwithstanding the pending proceedings, but such re-
32 newed state liquor license may be revoked or suspended without hearing if and
33 when the previous state liquor license is, for any reason, revoked or sus-
34 pended.

35 SECTION 30. That Chapter 9, Title 23, Idaho Code, be, and the same is
36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
37 ignated as Section 23-921A, Idaho Code, and to read as follows:

38 23-921A. LICENSES -- SUSPENSION OR REVOCATION FOR VIOLATION OF OB-
39 SCENITY LAWS. In the event of a conviction for a violation of chapter 41,
40 title 18, Idaho Code, relating to obscenity, by any:

41 (1) Licensee;

42 (2) Agent of licensee; or

43 (3) Employee of licensee if such licensee knew or should have known in
44 the exercise of reasonable diligence that said employee was violating the
45 provisions of chapter 41, title 18, Idaho Code.

46 If the violation committed by any of the above occurred on, or in connection
47 with, premises licensed under this act by such licensee, the director shall
48 suspend the license of such licensee for a period of six (6) months. If such
49 licensee, or his agent or employee, has previously been convicted of a viola-

1 tion of chapter 41, title 18, Idaho Code, relating to obscenity, which viola-
2 tion occurred on, or in connection with, the premises licensed under this act
3 by such licensee, the director shall revoke the license of such licensee.

4 SECTION 31. That Chapter 9, Title 23, Idaho Code, be, and the same is
5 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
6 ignated as Section 23-922, Idaho Code, and to read as follows:

7 23-922. SELLING LIQUOR WITHOUT LICENSE -- PENALTY. Any person who
8 sells or keeps for sale any liquor without a license as provided in this act
9 shall be guilty of a felony and upon conviction thereof shall be fined not
10 less than one thousand dollars (\$1,000) nor more than five thousand dollars
11 (\$5,000), or be imprisoned in the state prison for not less than one (1) year
12 nor more than five (5) years, or both such fine and imprisonment.

13 SECTION 32. That Chapter 9, Title 23, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 23-923, Idaho Code, and to read as follows:

16 23-923. LICENSEES MUST PURCHASE FROM STATE LIQUOR DIVISION --
17 PRICE. All liquor, excluding wine and beer, sold by any licensee shall be
18 purchased from the state liquor division through its regular retail stores
19 and distributors at the posted price thereof, except as provided in section
20 23-917, Idaho Code. The state liquor division is hereby authorized and di-
21 rected to make such sales in accordance with section 23-309, Idaho Code, to
22 be paid at the time of purchase upon a special permit issued to such licensee
23 in such form as shall be prescribed by the state liquor division. The "posted
24 price" as used in this section means the retail price of such liquor as fixed
25 and determined by the state liquor division.

26 SECTION 33. That Chapter 9, Title 23, Idaho Code, be, and the same is
27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
28 ignated as Section 23-924, Idaho Code, and to read as follows:

29 23-924. OFFICERS MAY EXAMINE PREMISES. (1) The director or his duly
30 authorized representative, the sheriff of any county, or other police offi-
31 cer, shall have the right at any time to make an examination of the premises
32 of any licensee as to whether the laws of the state of Idaho, the rules and
33 regulations of the director, and the ordinances of any county or city are be-
34 ing complied with, and shall also have the right to inspect the cars of any
35 railroad system licensed under this act.

36 (2) Minors may assist with random, unannounced inspections with the
37 written consent of a parent or legal guardian. When assisting with these in-
38 spections, minors shall not provide false identification, nor make any false
39 statements regarding their age.

40 SECTION 34. That Chapter 9, Title 23, Idaho Code, be, and the same is
41 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
42 ignated as Section 23-925, Idaho Code, and to read as follows:

1 23-925. OFFICERS MAY SEIZE ILLEGAL LIQUOR. (1) It shall be unlawful
2 for any licensee to sell, or keep for sale, or have on his premises for any
3 purpose whatsoever, any liquor except liquor produced on the premises by
4 a licensed distiller or purchased as authorized and provided in this sec-
5 tion, and any licensee found in possession of, selling or keeping for sale
6 any liquor not purchased as authorized in this section shall be guilty of a
7 felony and upon conviction thereof shall be fined not less than one thousand
8 dollars (\$1,000) nor more than five thousand dollars (\$5,000), or by impris-
9 onment in the state prison for not more than five (5) years, or by both such
10 fine and imprisonment. Any license issued to such person shall be immedi-
11 ately and permanently revoked. The amount of liquor to be sold to licensees
12 pursuant to this section in any city or village shall be determined by the
13 administrator or other executive officer of the state liquor division, but
14 such sales shall be regulated so as to maintain adequate stocks of merchan-
15 dise for sale to persons other than said licensees.

16 (2) The director, or any of his agents, any sheriff, or other police of-
17 ficer who shall find any liquor kept or held by any person in violation of
18 the provisions of this act may forthwith seize and remove the same and keep
19 the same as evidence and, upon conviction of the person for violation of the
20 provisions of this section, the said liquor, and all packages or receptacles
21 containing the same, shall be forfeited to the state of Idaho and, in addi-
22 tion, the person so violating this act shall be subject to the other penal-
23 ties prescribed in this section.

24 (3) The provisions of this section notwithstanding, common carriers
25 shall have the right to have in their possession liquors other than those
26 purchased from the Idaho state liquor division.

27 SECTION 35. That Sections [23-926](#), [23-927](#) and [23-928](#), Idaho Code, be,
28 and the same are hereby repealed.

29 SECTION 36. That Chapter 9, Title 23, Idaho Code, be, and the same is
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
31 ignated as Section 23-926, Idaho Code, and to read as follows:

32 23-926. POSTING SIGNS AS TO RESTRICTION. Every licensee referred to in
33 this title shall keep a sign conspicuously posted over or near each entrance
34 to any place from which persons less than twenty-one (21) years of age are re-
35 stricted pursuant to this section giving public notice of such fact. Such
36 sign shall contain the following words in lettering of at least one (1) inch
37 in height: "Admittance of persons under twenty-one (21) years of age prohib-
38 ited by law."

39 SECTION 37. That Chapter 9, Title 23, Idaho Code, be, and the same is
40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
41 ignated as Section 23-927, Idaho Code, and to read as follows:

42 23-927. SALE AWAY FROM LICENSED PREMISES PROHIBITED -- GAMING PROHIB-
43 ITED. (1) It shall be unlawful for any licensee to sell, give away, dispense,
44 vend or deliver any liquor in any fashion or by means or device, except upon
45 the licensed premises, unless permitted pursuant to section 23-928, Idaho
46 Code, or expressed written permission granted by the director for state

1 liquor licenses or the county or city for municipal licenses in response to
2 damage or destruction that causes the closure of the premises.

3 (2) It shall be unlawful for any licensee granted a license under the
4 authority of this title to permit, conduct, play, carry on, open or cause to
5 be opened any gaming in or on the licensed premises or in or on any premises
6 directly connected by a door, hallway or other means of access from the li-
7 censed premises. Any licensee authorized under the authority of this title
8 and who is also authorized by other Idaho law to conduct the lawful activ-
9 ities of lottery, bingo, raffles and pari-mutuel betting on the licensed
10 premises shall be exempt from the provisions of this subsection as long as
11 the lawful activities are conducted in conformity with statute and rules
12 promulgated pursuant thereto.

13 SECTION 38. That Chapter 9, Title 23, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 23-928, Idaho Code, and to read as follows:

16 23-928. ALCOHOL BEVERAGE CATERING PERMIT -- APPLICATION. An alcohol
17 beverage catering permit is a permit issued pursuant to this section which
18 authorizes the permittee to serve and sell liquor by the drink, beer and
19 wine, or beer or wine, at a party or convention, for a period of time not
20 to exceed three (3) consecutive days. An alcohol beverage catering permit
21 shall be limited to authorization to sell liquor or beer or wine, or any
22 combination thereof, based upon the type of license that the applicant pos-
23 sesses. Applications for such permit shall be made to the city within which
24 the liquor, beer or wine is to be served, or if not within a city, then to the
25 county, on such form as prescribed by the city or county that shall contain at
26 a minimum, but not limited to, the following information:

27 (1) The name and address of the applicant and the number of his liquor,
28 beer or wine license;

29 (2) The dates and hours during which the permit is to be effective, not
30 to exceed three (3) consecutive days;

31 (3) The names of the organizations, groups or persons sponsoring the
32 event; and

33 (4) The address at which the liquor, beer or wine is to be served and,
34 if a public building, the rooms in which the liquor, beer or wine is to be
35 served.

36 The application shall be verified by the applicant and filed with the
37 appropriate governing body or its designee. A filing fee in the amount of
38 thirty dollars (\$30.00) for each day the permit is to be effective shall be
39 paid to the treasury of the governing body, which fee shall not be refunded in
40 any event. Any alcohol beverage catering permit shall be valid only within
41 the issuing jurisdiction.

42 SECTION 39. That Chapter 9, Title 23, Idaho Code, be, and the same is
43 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
44 ignated as Section 23-929, Idaho Code, and to read as follows:

45 23-929. FILING OF APPLICATION -- APPROVAL. Upon the filing of an ap-
46 plication for an alcohol beverage catering permit, the city council or its
47 designee, or board of county commissioners receiving the application shall,

1 upon the advice and recommendation of the chief of police or sheriff, approve
 2 or disapprove the application and indicate the determination on the face of
 3 the application by endorsement signed by the clerk of the city or county.
 4 Copies of the application with signed endorsements thereon shall be mailed
 5 or delivered immediately to the chief of police or sheriff and the applicant,
 6 and a signed copy shall be retained by the clerk. An application approved in
 7 this manner shall constitute an alcohol beverage catering permit.

8 SECTION 40. That Sections [23-930](#), [23-931](#), [23-932](#), [23-933](#), [23-933A](#),
 9 [23-933B](#), [23-934](#), [23-934A](#), [23-934B](#), [23-934C](#), [23-935](#), [23-936](#), [23-937](#), [23-938](#),
 10 [23-939](#), [23-941](#), [23-942](#), [23-943](#), [23-943A](#), [23-944](#), [23-945](#), [23-946](#), [23-947](#),
 11 [23-948](#), [23-949](#), [23-950](#), [23-951](#), [23-952](#), [23-953](#), [23-954](#), [23-955](#), [23-956](#) and
 12 [23-957](#), Idaho Code, be, and the same are hereby repealed.

13 SECTION 41. That Chapter 9, Title 23, Idaho Code, be, and the same is
 14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 15 ignated as Section 23-930, Idaho Code, and to read as follows:

16 23-930. REGULATORY AND PENALTY PROVISIONS APPLICABLE. All of the reg-
 17 ulatory and penal provisions of this title shall apply to the exercise of
 18 alcohol beverage catering permits, including the penalties for violations
 19 thereof, except such provisions declared to be inapplicable to alcohol bev-
 20 erage catering permits by rule; provided however, neither the director nor
 21 any county or city shall have the power to declare inapplicable any of the
 22 provisions of section 23-932, Idaho Code.

23 SECTION 42. That Chapter 9, Title 23, Idaho Code, be, and the same is
 24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 25 ignated as Section 23-931, Idaho Code, and to read as follows:

26 23-931. DESTRUCTION OF STAMPS -- SANITARY REQUIREMENTS. It shall be
 27 the duty of any licensee hereunder immediately, upon emptying any liquor
 28 container, to deface, so that the same may not again be used, all government
 29 or state stamps or labels. Any licensed premises shall be maintained in
 30 sanitary condition according to the requirements of the Idaho Code and any
 31 city or county ordinance pertaining thereto, and any such person who fails to
 32 perform the duty provided in this section shall be guilty of a misdemeanor.

33 SECTION 43. That Chapter 9, Title 23, Idaho Code, be, and the same is
 34 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 35 ignated as Section 23-932, Idaho Code, and to read as follows:

36 23-932. HOURS OF SALE OF LIQUOR. (1) No liquor shall be sold, offered
 37 for sale, or given away upon any licensed premises or under a permit, and all
 38 liquor not in sealed bottles must be locked in a separate room or cabinet dur-
 39 ing the following hours:

40 (a) Sunday, Memorial Day, Thanksgiving and Christmas from 1:00 a.m. to
 41 10:00 a.m. the following day; provided however, that on any Sunday not
 42 otherwise being a prescribed holiday, it shall be lawful for a licensee
 43 having banquet area or meeting room facilities, separate and apart from
 44 the usual dispensing area (barroom) and separate and apart from a normal

1 public dining room unless such dining room is closed to the public, to
2 therein dispense liquor between the hours of 2:00 p.m. and 11:00 p.m.
3 to bona fide participants of banquets, receptions or conventions for
4 consumption only within the confines of such banquet area or meeting
5 room facility;

6 (b) On any other day between 1:00 a.m. and 10:00 a.m.; or

7 (c) When any city or county has any ordinance further limiting the hours
8 of sale of liquor by the drink, then such hours shall be fixed by such
9 ordinance.

10 (2) A county or city may, however, by ordinance, allow the sale of
11 liquor by the drink on a Sunday, Memorial Day and Thanksgiving, and may also
12 extend until 2:00 a.m. the hours of the sale of liquor by the drink.

13 (3) Any patron present on the licensed premises after the sale of liquor
14 has stopped as provided in subsections (1) and (2) of this section shall have
15 a reasonable time, not to exceed thirty (30) minutes, to consume any bever-
16 ages already served.

17 (4) Any person who consumes or intentionally permits the consumption of
18 any alcoholic beverage upon licensed premises after the time provided for in
19 subsection (3) of this section shall be guilty of a misdemeanor.

20 (5) It shall be the duty of every person who is employed at or on a li-
21 censed premises or who owns or manages a licensed premises and is present on
22 the licensed premises, during the hours and at the time set forth in subsec-
23 tions (1) and (2) of this section, to lock up and keep locked up in a locked
24 room or locked cabinet all unsealed containers of liquor during the hours and
25 at the times set forth in subsections (1) and (2) of this section, and any
26 such person who fails to perform the duty provided in this section shall be
27 guilty of a misdemeanor.

28 SECTION 44. That Chapter 9, Title 23, Idaho Code, be, and the same is
29 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
30 ignated as Section 23-933, Idaho Code, and to read as follows:

31 23-933. DUTY OF PUBLIC OFFICERS. It is hereby made the duty of the di-
32 rector, prosecuting attorneys, sheriffs and peace officers of the counties
33 or incorporated cities, knowing of any violation of this act, to make com-
34 plaint before the proper tribunal and perform the duties of their offices
35 with respect to the prosecution and conviction of such offenders. Any such
36 officer knowingly refusing to inform against or prosecute any offender under
37 the provisions of this act shall be subject to action against him as provided
38 in chapter 41, title 19, Idaho Code.

39 SECTION 45. That Sections [23-1020](#) and [23-1022](#), Idaho Code, be, and the
40 same are hereby repealed.

41 SECTION 46. That Title 23, Idaho Code, be, and the same is hereby
42 amended by the addition thereto of a NEW CHAPTER, to be known and designated
43 as Chapter 12, Title 23, Idaho Code, and to read as follows:

44 CHAPTER 12
45 CLERK AND SERVER TRAINING

1 23-1201. DEFINITIONS. The following words and phrases used in this
2 chapter shall be given the following interpretation:

3 (1) "Alcoholic beverage" or "alcohol beverage" means any beverage con-
4 taining alcohol which is a product of distillation of any fermented liquor or
5 synthetic ethyl alcohol, including, but not limited to, beer, wine, spirits
6 or any liquid containing beer, wine or spirits.

7 (2) "Approved alcohol training program" means a program that is de-
8 signed to educate clerks or servers of alcohol on laws and rules regarding
9 the sale and service of alcoholic beverages, the effects of alcohol on the
10 human body, methods of identifying intoxicated persons and refusing to sell
11 or serve alcohol to those persons, and methods for checking and identifying
12 legal identification, and is either approved by the director or listed in
13 section 23-1202, Idaho Code.

14 (3) "Clerk" means an individual who, as an employee of a grocery store,
15 convenience store, or general retail outlet, can legally sell alcoholic bev-
16 erages for consumption off-premises.

17 (4) "Director" means the director of the Idaho state police.

18 (5) "Licensee" means the person to whom a beer, wine or municipal or
19 state liquor by the drink license is issued under the provisions of law.

20 (6) "Off-premises retailer" means any place alcoholic beverages are
21 sold but cannot be consumed on the premises. Off-premises retailers in-
22 clude, but are not limited to, grocery stores, convenience stores and
23 general retail outlets.

24 (7) "Premises" means the building and contiguous property owned,
25 leased or used by a licensee as part of the business establishment for the
26 sale of alcoholic beverages at retail.

27 (8) "Server" means any person serving or selling any alcoholic bev-
28 erages, including spirits, wine or beer for consumption on a licensed premises
29 as a requirement of employment, and any person managing those employees.
30 Servers include, but are not limited to, waiters, waitresses, bartenders,
31 and managers of waiters, waitresses and bartenders.

32 23-1202. APPROVED TRAINING. (1) Only the alcohol training programs
33 listed in this section or equivalent programs as approved by the director
34 will be recognized as complying with the provisions of this chapter.

35 (2) Approved alcohol training programs must include an examination
36 covering the following topics: monitoring a patron's behavior, recogniz-
37 ing intoxicated patrons, checking identification, recognizing false and
38 altered identification, providing alternatives to alcoholic beverages,
39 problem-solving in dealing with intoxicated or belligerent patrons and fa-
40 miliarity with Idaho laws and rules pertaining to alcoholic beverages.

41 (3) "ServSafe alcohol" programs of the national restaurant association
42 are found to comply with the requirements of this chapter.

43 (4) "Training for intervention procedures" (TIPS) programs of health
44 communications, inc. are found to comply with the requirements of this chap-
45 ter.

46 23-1203. MANDATORY TRAINING -- ON-PREMISES SALES. (1) Any person em-
47 ployed as a server on the effective date of this chapter must complete an ap-
48 proved alcohol training program within one hundred twenty (120) days of the

1 effective date of this chapter or be able to provide proof that they have re-
2 ceived a current valid certificate from an approved training program within
3 the past three (3) years.

4 (2) Any person who is hired after the effective date of this chapter as a
5 server shall complete an approved alcohol training program within sixty (60)
6 days.

7 (3) The licensee shall ensure that each server employed on the premises
8 is trained or completes an approved alcohol training program in the appro-
9 priate time frame pursuant to this section and maintains documentation of
10 such training, and provides such documentation at the request of the direc-
11 tor.

12 23-1204. VOLUNTARY TRAINING -- OFF-PREMISES RETAILER. (1) Any per-
13 son employed as a clerk on or after the effective date of this act for
14 off-premises sales pursuant to the provisions of this title is encouraged to
15 complete an approved alcohol training program outlined in section 23-1202,
16 Idaho Code.

17 (2) The clerk shall maintain documentation of such training, and pro-
18 vide such documentation at the request of the director.

19 23-1205. ENFORCEMENT. (1) Any server who violates section 23-1203
20 Idaho Code, shall be subject to an administrative fine imposed by the direc-
21 tor not to exceed five hundred dollars (\$500) plus costs of prosecution and
22 administrative costs of bringing the action including, but not limited to,
23 attorney's costs and fees and costs of hearing transcripts.

24 (2) Any licensee who violates section 23-1203(3), Idaho Code, shall
25 be subject to an administrative fine imposed by the director not to exceed
26 one thousand dollars (\$1,000) plus costs of prosecution and administrative
27 costs of bringing the action including, but not limited to, attorney's costs
28 and fees and costs of hearing transcripts.

29 (3) Nothing in this section shall be construed as barring criminal
30 prosecutions for violations of this title where such violations are deemed
31 criminal offenses.

32 (4) All final decisions by the director shall be subject to judicial re-
33 view pursuant to the procedures of the administrative procedure act.

34 SECTION 47. That Chapter 13, Title 23, Idaho Code, be, and the same is
35 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
36 ignated as Section 23-1304A, Idaho Code, and to read as follows:

37 23-1304A. CERTIFICATION OF ELECTION RESULTS OR COUNTY RESOLUTION TO
38 DIRECTOR. (1) In the event that the board of county commissioners has, by
39 resolution pursuant to section 23-1304, Idaho Code, provided that the re-
40 tail sale of table wine or dessert wine shall be permitted within the county,
41 certification of such resolution shall be made to the director, in addition
42 to the certification to the director, and a retail wine license shall there-
43 after be issued for premises within such county as long as such resolution
44 remains in effect.

45 (2) In the event an election is held pursuant to section 23-1304, Idaho
46 Code, upon a canvass of the votes cast, the county recorder shall certify,

1 in addition to the certification to the director, the result thereof to the
2 director.

3 (3) The last resolution adopted prior to the effective date of this
4 act pursuant to section 23-1304(a), Idaho Code, which has not been revoked,
5 shall continue to have the effect resulting from said resolution, unless
6 subsequently amended or revoked. The results of the last election held
7 pursuant to section 23-1304(b), Idaho Code, or on the written petition of
8 registered electors pursuant thereto, prior to the effective date of this
9 act, shall have the effect resulting from the canvass of votes at said elec-
10 tion, unless or until an election or subsequent resolution changes such
11 result subsequent to the effective date of this act.

12 SECTION 48. That Section 23-1331, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 23-1331. SUSPENSION, REVOCATION, AND REFUSAL TO RENEW LICENSES AND
15 PERMITS -- MONETARY PENALTY. (1) The director may suspend, revoke, or refuse
16 to renew a retail wine license, wine by the drink license, wine distributor's
17 license, wine importer's license, winery license, wine direct shipper's
18 permit or vintner's license issued pursuant to the terms of this chapter for
19 any violation of or failure to comply with the provisions of this chapter or
20 rules and regulations promulgated by the director or the state tax commis-
21 sion pursuant to the terms and conditions of this chapter. Manufacturing
22 or bottling functions of a winery shall not be subject to suspension, re-
23 vocation or nonrenewal of a license, except for violations of law directly
24 related to the manufacturing or bottling activities of the winery. Proce-
25 dures for the suspension, revocation or refusal to grant or renew licenses
26 issued under this chapter shall be in accordance with the provisions of chap-
27 ter 52, title 67, Idaho Code.

28 (2) When the director determines to suspend such license, the affected
29 licensee may petition the director prior to the effective date of the sus-
30 pension requesting that a monetary payment be allowed in lieu of the license
31 suspension. If the director determines such payment to be consistent with
32 the purpose of the laws of the state of Idaho and is in the public interest, he
33 shall establish a monetary payment in an amount not to exceed five thousand
34 dollars (\$5,000). The licensee may reject the payment amount determined by
35 the director, and instead be subject to the suspension provisions of subsec-
36 tion (1) of this section. Upon payment of the amount established, the direc-
37 tor shall cancel the suspension period. The director shall cause any payment
38 to be paid to the treasurer of the state of Idaho for credit to the state's
39 general account in the state operating fund.

40 (3) The suspension of a license for the sale of liquor or beer shall au-
41 tomatically result in the suspension of any license for the sale of wine held
42 by the same licensee and issued for the same premises or location. Such ad-
43 ditional suspension shall be equal in length to and run concurrently with the
44 period of the original suspension.

45 (4) The director shall adopt and utilize guidelines and rules, which
46 shall be available to licensees and members of the public, stating general
47 policies of the division concerning minimum and maximum periods of suspen-
48 sions or minimum and maximum amounts for monetary payments that the division
49 will consider in lieu of the imposition of suspensions for particular viola-

1 tions of the provisions of this title. Guidelines and rules adopted by the
 2 division, as provided in this section, shall not prevent or be construed to
 3 prohibit the director from imposing a greater or lesser period of suspen-
 4 sion, or imposing a greater or lesser monetary payment, within the limits
 5 established by this section, based upon aggravated or extenuating circum-
 6 stances found to exist by the director.

7 (5) When a proceeding to revoke or suspend a license has been or is about
 8 to be instituted, during the time a renewal application of such license is
 9 pending before the director, the director shall renew the license notwith-
 10 standing the pending proceedings, but such renewed license may be revoked or
 11 suspended without hearing if and when the previous license is, for any rea-
 12 son, revoked or suspended.

13 SECTION 49. That Section [23-1335](#), Idaho Code, be, and the same is hereby
 14 repealed.

15 SECTION 50. That Section 18-7803, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 18-7803. DEFINITIONS. As used in this chapter, (a) "Racketeering"
 18 means any act which is chargeable or indictable under the following sections
 19 of the Idaho Code or which are equivalent acts chargeable or indictable as
 20 equivalent crimes under the laws of any other jurisdiction:

21 (1) Homicide (section 18-4001, Idaho Code);

22 (2) Robbery, burglary, theft, forgery, counterfeiting, and related
 23 crimes (sections 18-1401, 18-1405, 18-2403, 18-2407, 18-3123, 18-3124,
 24 18-3125, 18-3601, 18-3602, 18-3603, 18-3605, 18-3606, 18-3607,
 25 18-3609, 18-3610, 18-3614, 18-3615, 18-4630, 18-6501 and 49-518, Idaho
 26 Code);

27 (3) Kidnapping (section 18-4501, Idaho Code);

28 (4) Prostitution (sections 18-5601, 18-5602, 18-5603, 18-5604,
 29 18-5605, 18-5606, 18-5608 and 18-5609, Idaho Code);

30 (5) Arson (sections 18-801, 18-802, 18-803, 18-804 and 18-805, Idaho
 31 Code);

32 (6) Assault (sections 18-908 and 18-4015, Idaho Code);

33 (7) Lotteries and gambling (sections 18-3801, 18-3802, 18-3809,
 34 18-4902, 18-4903, 18-4904, 18-4905, 18-4906 and 18-4908, Idaho Code);

35 (8) Indecency and obscenity (sections 18-1515, 18-1518, 18-4103,
 36 18-4103A, 18-4104, 18-4105, 18-4105A and 18-4107, Idaho Code);

37 (9) Poisoning (sections 18-4014 and 18-5501, Idaho Code);

38 (10) Fraudulent practices, false pretenses, insurance fraud, finan-
 39 cial transaction card crimes and fraud generally (sections 18-2403,
 40 18-2706, 18-3002, 18-3101, 18-3124, 18-3125, 18-3126, 18-6713, 41-293,
 41 41-294 and 41-1306, Idaho Code);

42 (11) Alcoholic beverages (sections 23-602, 23-606, 23-610, 23-703,
 43 ~~23-90510, 23-922, 23-91423, and 23-9287, 23-934 and 23-938~~, Idaho
 44 Code);

45 (12) Cigarette taxes (sections 63-2505 and 63-2512(b), Idaho Code);

46 (13) Securities (sections 30-14-401, 30-14-402, 30-14-403, 30-14-404,
 47 30-14-501, 30-14-502, 30-14-505 and 30-14-506, Idaho Code);

48 (14) Horseracing (section 54-2512, Idaho Code);

- 1 (15) Interest and usurious practices (sections 28-45-401 and 28-45-
2 402, Idaho Code);
- 3 (16) Corporations (sections 18-1901, 18-1902, 18-1903, 18-1904,
4 18-1905, 18-1906 and 30-1510, Idaho Code);
- 5 (17) Perjury (sections 18-5401 and 18-5410, Idaho Code);
- 6 (18) Bribery and corrupt influence (sections 18-1352 and 18-1353, Idaho
7 Code);
- 8 (19) Controlled substances (sections 37-2732(a), (b), (c), (e) and (f),
9 37-2732B, 37-2734 and 37-2734B, Idaho Code);
- 10 (20) Motor vehicles (sections 49-228, 49-231, 49-232 and 49-518, Idaho
11 Code);
- 12 (21) Terrorism (section 18-8103, Idaho Code).
- 13 (b) "Person" means any individual or entity capable of holding a legal
14 or beneficial interest in property;
- 15 (c) "Enterprise" means any sole proprietorship, partnership, corpora-
16 tion, business, labor union, association or other legal entity or any group
17 of individuals associated in fact although not a legal entity, and includes
18 illicit as well as licit entities; and
- 19 (d) "Pattern of racketeering activity" means engaging in at least two
20 (2) incidents of racketeering conduct that have the same or similar in-
21 tents, results, accomplices, victims or methods of commission, or otherwise
22 are interrelated by distinguishing characteristics and are not isolated
23 incidents, provided at least one (1) of such incidents occurred after the ef-
24 fective date of this act and that the last of such incidents occurred within
25 five (5) years after a prior incident of racketeering conduct.

26 SECTION 51. That Section 23-1312, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 23-1312. BY THE DRINK LIQUOR RETAILERS MAY PURCHASE FROM DISTRIBUTU-
29 TORS. Any law to the contrary notwithstanding, including but not limited to
30 section 23-91423, Idaho Code, the holder of a license for the retail sale of
31 liquor by the drink as defined in chapter 9, title 23, Idaho Code, is hereby
32 authorized to purchase wine from persons holding valid wine distributor's
33 licenses.

34 SECTION 52. That Section 23-1406, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 23-1406. STORAGE AND RESTOCKING. (1) All alcoholic beverages, which
37 are used to restock and replenish a facility's hospitality cabinets, shall
38 be kept locked in a separate, secure room or cabinet, except when the hospi-
39 tality cabinets are being restocked and replenished.

40 (2) The hospitality cabinets can be restocked and replenished with al-
41 coholic beverages only during those hours when liquor can be sold as provided
42 in section 23-92732, Idaho Code.

43 SECTION 53. That Section 39-5502, Idaho Code, be, and the same is hereby
44 amended to read as follows:

45 39-5502. DEFINITIONS. As used in this chapter:

1 (1) "Auditorium" means a public building where an audience sits and any
2 corridors, hallways or lobbies adjacent thereto.

3 (2) "Bar" means any indoor area open to the public operated primarily
4 for the sale and service of alcoholic beverages for on-premises consumption
5 and where: (a) the service of food is incidental to the consumption of such
6 beverages, or (b) no person under the age of twenty-one (21) years is per-
7 mitted except as provided in section 23-943604, Idaho Code, as it pertains
8 to employees, musicians and singers, and all public entrances are clearly
9 posted with signs warning patrons that it is a smoking facility and that per-
10 sons under twenty-one (21) years of age are not permitted. "Bar" does not in-
11 clude any area within a restaurant.

12 (3) "Employer" means any person, partnership, limited liability com-
13 pany, association, corporation or nonprofit entity that employs one (1) or
14 more persons, including the legislative, executive and judicial branches of
15 state government; any county, city, or any other political subdivision of
16 the state; or any other separate unit of state or local government.

17 (4) "Indoor shopping mall" means an indoor facility located at least
18 fifty (50) feet from any public street or highway and housing no less than ten
19 (10) retail establishments.

20 (5) "Public meeting" means all meetings open to the public.

21 (6) "Public place" means any enclosed indoor place of business, com-
22 merce, banking, financial service or other service-related activity,
23 whether publicly or privately owned and whether operated for profit or not,
24 to which persons not employed at the public place have general and regular
25 access or which the public uses including:

26 (a) Buildings, offices, shops or restrooms;

27 (b) Waiting rooms for means of transportation or common carriers;

28 (c) Restaurants;

29 (d) Theaters, auditoriums, museums or art galleries;

30 (e) Hospitals, libraries, indoor shopping malls, indoor sports arenas,
31 concert halls, or airport passenger terminals, and within twenty (20)
32 feet of public entrances and exits to such facilities;

33 (f) Public or private elementary or secondary school buildings and ed-
34 ucational facilities and within twenty (20) feet of entrances and exits
35 of such buildings or facilities;

36 (g) Retail stores, grocery stores or arcades;

37 (h) Barbershops, hair salons or laundromats;

38 (i) Sports or fitness facilities;

39 (j) Common areas of nursing homes, resorts, hotels, motels, bed and
40 breakfast lodging facilities and other similar lodging facilities, in-
41 cluding lobbies, hallways, restaurants and other designated dining ar-
42 eas and restrooms of any of these;

43 (k) Any child care facility subject to licensure under the laws of
44 Idaho, including those operated in private homes, when any child cared
45 for under that license is present;

46 (l) Public means of mass transportation including vans, trains, taxi-
47 cabs and limousines when passengers are present; and

48 (m) Any public place not exempted by section 39-5503, Idaho Code.

49 (7) "Publicly-owned building or office" means any enclosed indoor
50 place or portion of a place owned, leased or rented by any state, county or

1 municipal government, or by any agency supported by appropriation of, or
 2 by contracts or grants from, funds derived from the collection of federal,
 3 state, municipal or county taxes.

4 (8) "Restaurant" means an eating establishment including, but not
 5 limited to, coffee shops, cafes, cafeterias, and private and public school
 6 cafeterias, which gives or offers for sale food to the public, guests, or
 7 employees, as well as kitchens and catering facilities in which food is pre-
 8 pared on the premises for serving elsewhere. The term "restaurant" shall
 9 include a bar area within a restaurant.

10 (9) "Smoking" includes the possession of any lighted tobacco product in
 11 any form.

12 (10) "Smoking area" means a designated area in which smoking is permit-
 13 ted.

14 SECTION 54. That Section 49-307, Idaho Code, be, and the same is hereby
 15 amended to read as follows:

16 49-307. CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT -- CLASS D SU-
 17 PERVISED INSTRUCTION PERMIT -- APPLICATION FOR A CLASS D DRIVER'S LICENSE
 18 -- RESTRICTIONS ON CLASS D DRIVER'S LICENSE. (1) No enrollee of any class D
 19 driver's training course shall be allowed to attend classes or participate
 20 in driving instruction unless he has obtained a class D driver's training in-
 21 struction permit, or a class D instruction permit as provided in subsection
 22 (4) of this section.

23 (2) Every enrollee of a class D driver's training course shall pay a
 24 nonrefundable fee of fifteen dollars (\$15.00). Five dollars (\$5.00) of each
 25 fee so imposed shall be deposited in the state highway account, five dollars
 26 (\$5.00) shall be deposited in the county current expense fund, and five dol-
 27 lars (\$5.00) shall be:

28 (a) Deposited in the driver training account if the person is taking
 29 driver's training from a public school; or

30 (b) Paid to the bureau of occupational licenses and deposited in the
 31 state treasury to the credit of the occupational licenses ~~fund~~ account
 32 if the person is taking driver's training from a private driver's train-
 33 ing program. The amount to be remitted to the bureau of occupational
 34 licenses shall be annually calculated and paid. To calculate such
 35 amount, the total number of public driver's training students as sub-
 36 mitted to the state department of education shall be subtracted from the
 37 total number of permits sold as reported by the Idaho transportation de-
 38 partment, and the resulting number shall be multiplied by five dollars
 39 (\$5.00).

40 (3) Each enrollee of a class D driver's training course shall provide
 41 the type of information required for a driver's license or instruction per-
 42 mit. If an enrollee of a class D driver's training course cannot provide a
 43 certified copy of his birth certificate at the time of application for a per-
 44 mit, the department may issue a class D driver's training instruction permit
 45 or a class D instruction permit upon receipt of identification acceptable
 46 to the department. The certified copy of an applicant's birth certificate
 47 shall be required before a class D driver's license will be issued.

48 (4) The class D driver's training instruction permit shall expire five
 49 (5) days after the permittee's eighteenth birthday for permittees fourteen

1 and one-half (14 1/2) years of age through seventeen and one-half (17 1/2)
2 years of age. The class D driver's training instruction permit shall ex-
3 pire one hundred eighty (180) days from the date of issue for persons sev-
4 enteen and one-half (17 1/2) years of age or older. Persons aged seventeen
5 (17) years or older may attend classes or participate in driver's training
6 instruction while operating with a class D instruction permit or a class D
7 driver's training instruction permit.

8 (5) The class D driver's training instruction permit shall be issued to
9 the instructor of the course.

10 (6) Class D supervised instruction permit.

11 (a) Upon successful completion of the class D driver's training course,
12 the driver's training instructor shall submit the student log to the
13 county driver's license office and give the class D driver's training
14 instruction permit to the parent or legal guardian of the permittee, and
15 the parent or legal guardian shall assume responsibility for ensuring
16 that the permittee complies with the requirements of operating a vehi-
17 cle with a class D supervised instruction permit. The class D driver's
18 training instruction permit shall then serve as a class D supervised
19 instruction permit.

20 (b) In the event the permittee reaches the age of seventeen (17) years
21 while operating a class D vehicle with a class D supervised instruction
22 permit, the supervised instruction permit shall become a class D in-
23 struction permit.

24 (7) No permittee may apply for a class D driver's license sooner than
25 fifteen (15) years of age and no sooner than six (6) months after completing a
26 class D driver's training course, during which time the permittee shall sat-
27 isfy all requirements for operation of a class D vehicle with a class D super-
28 vised instruction permit as follows:

29 (a) The permittee shall not operate a vehicle unless he is accompanied
30 by a driver who holds a valid driver's license, is twenty-one (21) years
31 of age or older, and who is actually occupying a seat beside the permit-
32 tee driver. The supervising driver and the permittee shall be the only
33 occupants of the front passenger section of the vehicle.

34 (b) Over a period of time not less than six (6) months, the permittee
35 shall accumulate at least fifty (50) hours of supervised driving time,
36 ten (10) hours of which shall be during hours of darkness.

37 (c) The permit shall be in the permittee's immediate possession at all
38 times while operating a vehicle.

39 (d) In addition to the permittee driver and the supervising driver, all
40 other occupants of the vehicle shall wear a seat belt or be restrained by
41 child passenger restraints as required by law.

42 (e) The permittee is subject to the provisions of sections 18-1502 and
43 18-8004, Idaho Code, relating to violation of age restrictions on con-
44 sumption of beer, wine, and alcohol and driving under the influence of
45 alcohol, drugs or any other intoxicating substances, respectively.

46 (f) The permittee shall not have been convicted of any moving traffic
47 violation, or have had driving privileges suspended by the department
48 or the court for any offense, or found to be in violation of any of the
49 restrictions on the class D supervised instruction permit, for a period
50 of at least six (6) months from the date the driver's training instruc-

1 tor gave the permit to the parent or legal guardian, or from the date a
 2 canceled class D supervised instruction permit was reissued, or until
 3 the permittee reaches seventeen (17) years of age.

4 (g) If the permittee is under seventeen (17) years of age and is con-
 5 victed of a violation of any traffic law, or section 18-1502, 18-8004 or
 6 23-~~949~~604, Idaho Code, or is found to be in violation of any of the re-
 7 strictions on the class D supervised instruction permit, the department
 8 shall cancel the class D supervised instruction permit, and the cancel-
 9 lation shall not be used to establish rates of motor vehicle insurance
 10 charged by a casualty insurer. If the permittee is under seventeen (17)
 11 years of age, the permittee may reapply for and be issued a new class D
 12 supervised instruction permit upon payment of the appropriate fee, and
 13 shall again be required to operate with the class D supervised instruc-
 14 tion permit for at least six (6) months from the date of reissue with-
 15 out a conviction or suspension, accumulate the required hours of driv-
 16 ing time and adhere to the requirements as specified in paragraphs (a)
 17 through (f) of this subsection.

18 (8) Upon completion of the requirements in subsection (7) of this sec-
 19 tion, the permittee shall take the knowledge test and skills test adminis-
 20 tered by a person certified by the Idaho transportation department to admin-
 21 ister knowledge and skills tests.

22 (9) Upon passage of the knowledge and skills tests, the permittee may
 23 apply for a class D driver's license with driving privileges restricted to
 24 daylight hours for persons under sixteen (16) years of age, and with full
 25 privileges at sixteen (16) years of age or older. Provided however, the re-
 26 striction on daylight hours only driving privileges for persons under six-
 27 teen (16) years of age shall not apply if:

28 (a) The person under sixteen (16) years of age has a valid class D
 29 driver's license; and

30 (b) The person is accompanied by a driver who holds a valid driver's
 31 license and is twenty-one (21) years of age or older and is actually oc-
 32 cupping a seat beside the licensee who is under sixteen (16) years of
 33 age; and

34 (c) The two (2) licensed drivers are the only occupants of the front
 35 passenger section of the vehicle.

36 The restriction of daylight hours only shall mean that period of time one-
 37 half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

38 (10) Upon passage of the knowledge and skills tests, the permittee may
 39 apply for a class D driver's license. Any such licensee who is under the age
 40 of seventeen (17) years shall be required, during the first six (6) months
 41 from the date of issue of the class D driver's license, to limit the number
 42 of passengers in the vehicle who are under the age of seventeen (17) years to
 43 not more than one (1) such passenger. Provided however, the limit of one (1)
 44 passenger under the age of seventeen (17) years shall not apply to passengers
 45 who are related to the driver by blood, adoption or marriage.

46 SECTION 55. That Section 67-7446, Idaho Code, be, and the same is hereby
 47 amended to read as follows:

48 67-7446. RESTRICTIONS. Notwithstanding the provisions of section
 49 23-~~928~~27, Idaho Code, nothing in that section shall be construed to autho-

1 rize any form of games of chance or private lotteries, except as may be autho-
2 rized expressly by this chapter in accordance with the Idaho Constitution.

3 SECTION 56. That Section 18-1502, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 18-1502. BEER, WINE OR OTHER ALCOHOL AGE VIOLATIONS -- FINES. (a) Ex-
6 cept as provided in subsection (e) of this section, whenever a person is in
7 violation, on the basis of his age, of any federal, state, or municipal law or
8 ordinance pertaining to the use, possession, procurement, or attempted pro-
9 curement, or dispensing of any beer, wine or other alcoholic beverage prod-
10 uct, the violation shall constitute a misdemeanor.

11 (b) (1) Every person convicted of an infraction under this section shall
12 be punished by a fine of three hundred dollars (\$300).

13 (2) Every person convicted of a misdemeanor under this section shall be
14 punished by a fine of not more than two thousand dollars (\$2,000), or up
15 to thirty (30) days in jail or both. The third and subsequent conviction
16 under this section shall be punished by a fine of not more than three
17 thousand dollars (\$3,000), or up to sixty (60) days in jail or both.

18 (c) A conviction under this section shall not be used or considered in
19 any manner for purposes of motor vehicle insurance.

20 (d) Whenever a person pleads guilty or is found guilty of violating any
21 law pertaining to the possession, use, procurement, attempted procurement
22 or dispensing of any beer, wine, or other alcoholic beverage, and such person
23 was under twenty-one (21) years of age at the time of such violation, then in
24 addition to the penalties provided in subsection (b) of this section:

25 (1) Upon a misdemeanor conviction, the court shall suspend the person's
26 driving privileges for a period of not more than one (1) year. The per-
27 son may request restricted driving privileges during the period of sus-
28 pension, which the court may allow, if the person shows by a preponder-
29 ance of the evidence that driving privileges are necessary as deemed ap-
30 propriate by the court.

31 (2) If the person's driving privileges have been previously suspended
32 under this section, the court shall suspend the person's driving privi-
33 leges for a period of not more than two (2) years. The person may re-
34 quest restricted driving privileges during the period of suspension,
35 which the court may allow, if the person shows by a preponderance of the
36 evidence that driving privileges are necessary as deemed appropriate by
37 the court.

38 (3) The person shall surrender his license or permit to the court.

39 (4) The court shall notify the motor vehicle division of the Idaho
40 transportation department of all orders of suspension it issues pur-
41 suant to this section.

42 (5) The court, in its discretion, may also order the person to undergo
43 and complete an alcohol evaluation and to complete an alcohol treatment
44 or education program in the same manner that persons sentenced pursuant
45 to section 18-8005, Idaho Code, are required to undergo and complete.

46 (6) A person who has been found guilty of only one (1) violation of this
47 section or section 23-604, Idaho Code, and does not have any alcohol
48 or drug related findings of guilt, in this state or any state, within
49 five (5) years of the commission of a violation of this section or sec-

1 tion 23-604, Idaho Code, shall have such finding completely vacated
2 and sealed by the court. The person shall have the responsibility for
3 initiating this process, and the court shall provide a form for the
4 convicted person to use. No fee shall be charged by the court for this
5 process.

6 (e) (1) For the purposes of alcohol age violations under this section,
7 the following violations shall constitute infractions:

- 8 (i) A first violation of section 23-604, Idaho Code; and
- 9 (ii) ~~A first violation of section 23-949, Idaho Code; and~~
- 10 ~~(iii)~~ A first violation of section 23-505(1) and (2), Idaho Code,
11 when an individual is not in actual physical control of the vehi-
12 cle.

13 (2) Violations under this subsection that occur following the effec-
14 tive date of this act that constitute misdemeanors under subsection
15 (b) (2) of this section, shall begin as a first misdemeanor.

16 SECTION 57. That Section 23-604A, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 23-604A. MINORS -- LIMITED USE IMMUNITY. (1) Any person under twenty-
19 one (21) years of age who, acting in good faith and for a medical emergency:

- 20 (a) Is a person seeking or needs emergency medical assistance for him-
21 self or others;
- 22 (b) Remains on the scene until emergency medical assistance or law en-
23 forcement officers arrive; and
- 24 (c) Cooperates with emergency medical assistance and law enforcement
25 personnel at the scene;

26 shall have limited use immunity such that evidence obtained solely as a
27 result of the person having sought, received or rendered emergency medical
28 services as set forth in this section may not be used against the person for
29 any violation of section 23-604 ~~or 23-949~~, Idaho Code, for consuming or pos-
30 ssuming an alcoholic beverage.

31 (2) The provisions of this section shall have no applicability to the
32 prosecution of any criminal charges other than the consumption or possession
33 of an alcoholic beverage by a person under twenty-one (21) years of age un-
34 der section 23-604 ~~or 23-949~~, Idaho Code, and shall not prevent a prosecution
35 based on evidence not obtained as described in subsection (1) of this sec-
36 tion.

37 SECTION 58. That Section 31-3201, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 31-3201. CLERK OF DISTRICT COURT -- FEES. (1) The clerk of the district
40 court shall lawfully charge, demand and receive the following fees for ser-
41 vices rendered by him in discharging the duties imposed upon him by law:

- 42 For filing and docketing abstract or transcript of judgment from an-
43 other court\$2.00
- 44 For issuing execution upon an abstract or transcript of judgment and
45 filing same on return\$2.00
- 46 For recording execution issued upon abstract or transcript of judgment,
47 per page\$2.00

1 For taking affidavits, including jurat\$1.00
 2 For taking acknowledgments, including seal\$1.00
 3 For filing and indexing designation of agent of foreign corporation ...
 4\$2.00
 5 For filing and indexing notarial statement\$2.00
 6 For making copy of any file or record, by the clerk, the clerk shall
 7 charge and receive, per page\$1.00
 8 For comparing and conforming a prepared copy of any file or record, the
 9 clerk shall charge and receive, per page \$.50
 10 For certifying the same an additional fee for certificate and seal
 11\$1.00
 12 For all services not herein enumerated, and of him lawfully required,
 13 the clerk of the district court shall demand and receive such fees as are
 14 herein allowed for similar services.

15 (2) All fees collected under the provisions of this section shall be
 16 paid over to the county treasurer, at the same time and in the same manner as
 17 other fees.

18 (3) In addition to all other fines, forfeitures and costs levied by the
 19 court, the clerk of the district court shall collect ten dollars (\$10.00) as
 20 an administrative surcharge fee on each criminal case, including an infrac-
 21 tion under section 18-8001 or 49-301, Idaho Code, a first-time infraction
 22 under section 23-604 ~~or 23-949~~, Idaho Code, and five dollars (\$5.00) on other
 23 infractions to be paid over to the county treasurer at the same time and in
 24 the same manner as other fees, for the support of the county justice fund,
 25 or the current expense fund if no county justice fund has been established,
 26 and shall collect ten dollars (\$10.00) as an administrative surcharge fee on
 27 each civil case, including each appeal, to be paid over to the county trea-
 28 surer for the support of the county court facilities fund, or to the district
 29 court fund if no county court facilities fund has been established.

30 (4) Provided further, an additional handling fee of two dollars (\$2.00)
 31 shall be imposed on each monthly installment of criminal or infraction
 32 fines, forfeitures, and other costs paid on a monthly basis.

33 (5) Provided further, in addition to all other fines, forfeitures and
 34 costs levied by the court, the clerk of the district court shall collect ten
 35 dollars (\$10.00) as a court technology fee on each criminal and infraction
 36 offense to be paid over to the county treasurer who shall, within five (5)
 37 days after the end of the month, pay such fee to the state treasurer for de-
 38 posit into the court technology fund.

39 SECTION 59. That Section 31-3201A, Idaho Code, be, and the same is
 40 hereby amended to read as follows:

41 31-3201A. COURT FEES. The clerk of the district court in addition to
 42 the fees and charges imposed by chapter 20, title 1, Idaho Code, and by sec-
 43 tion 31-3201, Idaho Code, and in addition to the fee levied by chapter 2, ti-
 44 tle 73, Idaho Code, shall charge, demand and receive the following fees for
 45 services rendered by him in discharging the duties imposed upon him by law:

46 (1) Civil cases. A fee of one hundred seventy-five dollars (\$175) for
 47 filing a civil case of any type in the district court, except for those cases
 48 to be assigned to the magistrate division of the district court for which the

1 fee shall be one hundred twenty dollars (\$120), with the following excep-
 2 tions:

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

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

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

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

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

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

12 (v) Petitions for sterilization;

13 (vi) Petitions for judicial consent to abortion;

14 (vii) Registration of trusts and renunciations;

15 (viii) Petitions for leave to compromise the disputed claim of a
 16 minor;

17 (ix) Petitions for a civil protection order or to enforce a for-
 18 eign civil protection order pursuant to chapter 63, title 39,
 19 Idaho Code;

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

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

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

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

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

29 The filing fee shall be distributed as follows: twenty-three dollars
 30 (\$23.00) of such filing fee shall be paid to the county treasurer for deposit
 31 in the district court fund of the county, with six dollars (\$6.00) of such
 32 twenty-three dollars (\$23.00) dedicated to provide for the suitable and ade-
 33 quate quarters of the magistrate's division of the district court, including
 34 the facilities and equipment necessary to make the space provided functional
 35 for its intended use, and shall provide for the staff personnel, supplies
 36 and other expenses of the magistrate's division; one dollar (\$1.00) of such
 37 filing fee shall be paid to the peace officers standards and training fund
 38 established in section 19-5116, Idaho Code; one hundred thirty-five dollars
 39 (\$135) of such filing fee, or in a case assigned to the magistrate division
 40 of the district court eighty dollars (\$80.00) of such filing fee, shall be
 41 paid to the county treasurer who shall, within five (5) days after the end of
 42 the month, pay such fees to the state treasurer for deposit into the court
 43 technology fund; ten dollars (\$10.00) of such filing fee shall be paid to the
 44 county treasurer who shall pay such fees to the state treasurer for deposit
 45 in accordance with subsection (15) of this section; and six dollars (\$6.00)
 46 of such filing fee shall be paid to the county treasurer who shall, within
 47 five (5) days after the end of the month, pay such fees to the state treasurer
 48 for deposit in the senior magistrate judges fund.

49 (2) Felonies and misdemeanors. A fee of seventeen dollars and fifty
 50 cents (\$17.50) shall be paid, but not in advance, by each person found guilty

1 of any felony or misdemeanor, except when the court orders such fee waived
2 because the person is indigent and unable to pay such fee. Eleven dollars
3 (\$11.00) of such fee shall be paid to the county treasurer for deposit in the
4 district court fund of the county, with six dollars (\$6.00) of such eleven
5 dollars (\$11.00) dedicated to provide for the suitable and adequate quarters
6 of the magistrate's division of the district court, including the facilities
7 and equipment necessary to make the space provided functional for its
8 intended use, and shall provide for the staff personnel, supplies and other
9 expenses of the magistrate's division; one dollar (\$1.00) of such filing fee
10 shall be paid to the peace officers standards and training fund established
11 in section 19-5116, Idaho Code; and five dollars and fifty cents (\$5.50) of
12 such fee shall be paid to the county treasurer who shall pay such fees to the
13 state treasurer for deposit in accordance with subsection (15) of this section.
14

15 (3) Infractions. A fee of sixteen dollars and fifty cents (\$16.50)
16 shall be paid, but not in advance, by each person found to have committed an
17 infraction or any minor traffic, conservation or ordinance violation, and a
18 fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not in
19 advance, by each person found to have committed an infraction under section
20 18-8001 or 49-301, Idaho Code, or a first-time infraction under section
21 23-604 ~~or 23-949~~, Idaho Code, and distributed pursuant to subsection (2) of
22 this section; provided that the judge or magistrate may in his or her discretion
23 consolidate separate nonmoving traffic offenses into one (1) offense
24 for purposes of assessing such fee. Eleven dollars (\$11.00) of such fee
25 shall be paid to the county treasurer for deposit in the district court fund
26 of the county, with six dollars (\$6.00) of such eleven dollars (\$11.00) dedicated
27 to provide for the suitable and adequate quarters of the magistrate's
28 division of the district court, including the facilities and equipment necessary
29 to make the space provided functional for its intended use, and shall
30 provide for the staff personnel, supplies and other expenses of the magistrate's
31 division; one dollar (\$1.00) of such filing fee shall be paid to the
32 peace officers standards and training fund established in section 19-5116,
33 Idaho Code; and four dollars and fifty cents (\$4.50) of such fee shall be paid
34 to the county treasurer, who shall pay such fees to the state treasurer for
35 deposit in accordance with subsection (15) of this section.

36 (4) Initial appearance other than plaintiff. A fee of one hundred dollars
37 (\$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 division of the district court, except small claims. If
40 two (2) or more parties are making their initial appearance in the same filing,
41 then only one (1) filing fee shall be collected. Of such fee, four dollars
42 (\$4.00) shall be paid to the county treasurer for deposit in the district court
43 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 accordance
48 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 division of the
22 district court to the district court; nine dollars (\$9.00) of such fee shall
23 be paid to the county treasurer for deposit in the district court fund of the
24 county; six dollars (\$6.00) of such fee shall be paid to the county treasurer
25 who shall, within five (5) days after the end of the month, pay such fees to
26 the state treasurer for deposit in the senior magistrate judges fund; and
27 twenty dollars (\$20.00) of such fee shall be paid to the county treasurer who
28 shall, within five (5) days after the end of the month, pay such fees to the
29 state treasurer for deposit into the court technology fund. No additional
30 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 fees in this section, the clerk of the dis-
 29 trict court shall be required to perform all lawful service that may be re-
 30 quired of him by any party thereto; provided, that he shall not prepare and
 31 furnish any certified copy of any file or record in an action except printed
 32 transcript on appeal, without additional compensation as provided by law.

33 SECTION 60. That Section 31-3201H, Idaho Code, be, and the same is
 34 hereby amended to read as follows:

35 31-3201H. SURCHARGE FEE. (1) The court shall charge a surcharge fee to
 36 be paid by each defendant for each criminal offense or infraction committed
 37 on or after April 15, 2010, for which the defendant is found or pleads guilty.
 38 Such fee shall be in addition to all other fines and fees levied.

39 (2) The amount of the surcharge fee shall be as follows:

40 (a) For each felony, the fee shall be one hundred dollars (\$100);

41 (b) For each misdemeanor, and for each infraction under section 18-8001
 42 or 49-301, Idaho Code, or each first-time infraction under section
 43 23-604 ~~or 23-949~~, Idaho Code, the fee shall be fifty dollars (\$50.00);
 44 and

45 (c) For each infraction, except each infraction under section 18-8001
 46 or 49-301, Idaho Code, or each first-time infraction under section
 47 23-604 ~~or 23-949~~, Idaho Code, the fee shall be ten dollars (\$10.00).

48 (3) The fee shall be collected by the clerk of the district court and
 49 shall be paid to the county treasurer, who shall, within five (5) days af-

1 ter the end of the month, pay such fees to the state treasurer, who shall de-
 2 posit eighty percent (80%) of such fees in the state general fund and twenty
 3 percent (20%) of such fees in the court technology fund created by section
 4 1-1623, Idaho Code.

5 SECTION 61. That Section 31-3204, Idaho Code, be, and the same is hereby
 6 amended to read as follows:

7 31-3204. VICTIM NOTIFICATION -- FEE. The court shall charge a fee of
 8 fifteen dollars (\$15.00) for victim notification purposes to be paid by each
 9 person found guilty of each felony, misdemeanor or infraction under section
 10 18-8001 or 49-301, Idaho Code, or first-time infraction under section 23-604
 11 ~~or 23-949~~, Idaho Code, except when the court orders such fee waived because
 12 the person is indigent and unable to pay such fee. Such fee shall be in addi-
 13 tion to all other fines and fees levied. Such fee shall be paid to the county
 14 treasurer who shall, within five (5) days after the end of the month, pay such
 15 fees to the state treasurer for deposit in the state victim notification fund
 16 established in section 67-2912, Idaho Code.

17 SECTION 62. That Section 32-1410, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 32-1410. DOMESTIC VIOLENCE COURT FEES. (1) Each person who is found
 20 guilty of or pleads guilty to any of the following alcohol, substance abuse
 21 or domestic violence related offenses shall pay a thirty dollar (\$30.00) fee
 22 to be deposited in the statewide drug court, mental health court and family
 23 court services fund, as provided in section 1-1625, Idaho Code, to assist in
 24 funding the domestic violence courts:

- 25 (a) Section 18-918, Idaho Code (domestic violence);
- 26 (b) Section 18-920, Idaho Code (violation of no contact order);
- 27 (c) Section 18-923, Idaho Code (attempted strangulation);
- 28 (d) Section 18-1502, Idaho Code (beer, wine or other alcohol age viola-
- 29 tions);
- 30 (e) Section 18-2510(3), Idaho Code (introduce, convey, possess, re-
- 31 ceive, obtain or remove major contraband, except major contraband as
- 32 defined in section 18-2510(5)(c)(ii), (iv) and (v), Idaho Code);
- 33 (f) Section 18-4006 3.(b), Idaho Code (vehicular manslaughter in the
- 34 commission of a violation of section 18-8004 or 18-8006, Idaho Code);
- 35 (g) Section 18-5414, Idaho Code (intentionally making false state-
- 36 ments);
- 37 (h) Section 18-8004, Idaho Code (persons under the influence of alco-
- 38 hol, drugs or any other intoxicating substances);
- 39 (i) Section 18-8006, Idaho Code (aggravated driving while under the in-
- 40 fluence of alcohol, drugs or any other intoxicating substances);
- 41 (j) Section 23-312, Idaho Code (persons under twenty-one and intoxi-
- 42 cated persons -- inhibited sales);
- 43 (k) Section 23-505, Idaho Code (transportation of alcoholic bever-
- 44 ages);
- 45 (l) Section 23-602, Idaho Code (unlawful manufacture, traffic in,
- 46 transportation and possession of alcohol beverage);
- 47 (m) Section 23-603, Idaho Code (dispensing to minor);

- 1 (n) Section 23-604, Idaho Code (minors -- purchase, consumption or pos-
 2 session prohibited);
 3 (o) Section 23-605, Idaho Code (dispensing to drunk);
 4 (p) Section 23-612, Idaho Code (beer, wine or other alcoholic beverages
 5 on public school grounds);
 6 (q) Section 23-615, Idaho Code (restrictions on sale);
 7 ~~(r) Section 23-949, Idaho Code (persons not allowed to purchase, pos-~~
 8 ~~sess, serve, dispense or consume beer, wine or other alcoholic liquor);~~
 9 ~~(s) Section 23-1013, Idaho Code (restrictions concerning age);~~
 10 (ts) Section 23-1024, Idaho Code (false representation as being
 11 twenty-one or more years of age a misdemeanor);
 12 (ut) Section 23-1333, Idaho Code (open or unsealed containers of wine
 13 in motor vehicles on highways prohibited);
 14 (vu) Section 23-1334, Idaho Code (minors -- authorization to deliver);
 15 (wv) Criminal violation of any of the provisions of chapter 27, title
 16 37, Idaho Code;
 17 (xw) Section 39-6312, Idaho Code (violation of order -- penalties);
 18 (yx) Section 67-7034, Idaho Code (persons under the influence of alco-
 19 hol, drugs or any other intoxicating substances); and
 20 (zy) Section 67-7114, Idaho Code (operation under the influence of al-
 21cohol, drugs or any other intoxicating substance).

22 (2) The clerk of the district court shall collect the fees set forth in
 23 subsection (1) of this section. The fees shall be paid over to the county
 24 treasurer who shall, within five (5) days after the end of the month, pay such
 25 fees to the state treasurer for deposit into the drug court, mental health
 26 court and family court services fund.

27 SECTION 63. That Section 72-1025, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

29 72-1025. FINES -- REIMBURSEMENTS -- DISPOSITION. (1) In addition to
 30 any other fine which may be imposed upon each person found guilty of crimi-
 31 nal activity, the court shall impose a fine or reimbursement according to the
 32 following schedule, unless the court orders that such fine or reimbursement
 33 be waived only when the defendant is indigent and at the time of sentencing
 34 shows good cause for inability to pay and written findings to that effect are
 35 entered by the court:

36 (a) For each conviction or finding of guilt of each felony count, a fine
 37 or reimbursement of not less than seventy-five dollars (\$75.00) per
 38 felony count;

39 (b) For each conviction or finding of guilt of each misdemeanor count, a
 40 fine or reimbursement of thirty-seven dollars (\$37.00) per misdemeanor
 41 count;

42 (c) For each conviction or finding of guilt of an infraction under sec-
 43 tion 18-8001 or 49-301, Idaho Code, or for each first-time conviction
 44 or finding of guilt of an infraction under section 23-604 ~~or 23-949,~~
 45 Idaho Code, a fine or reimbursement of thirty-seven dollars (\$37.00)
 46 per count;

47 (d) In addition to any fine or reimbursement ordered under paragraph
 48 (a) or (b) of this subsection, the court shall impose a fine or reim-
 49bursement of not less than three hundred dollars (\$300) per count for

1 any conviction or finding of guilt for any sex offense, including,
2 but not limited to, offenses pursuant to sections 18-1506, 18-1507,
3 18-1508, 18-1508A, 18-6101, 18-6605 and 18-6608, Idaho Code.

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

7 SECTION 64. That Section 72-1105, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 72-1105. FUND ESTABLISHED -- FINES -- DISPOSITION. (1) The peace offi-
10 cer and detention officer temporary disability fund is hereby created in the
11 state treasury and shall be administered by the industrial commission for
12 the purpose of providing a full rate of salary for any peace officer or deten-
13 tion officer who is injured while engaged in those activities as provided in
14 section 72-1104, Idaho Code, and is thereby temporarily incapacitated from
15 performing his or her duties. Moneys shall be paid into the fund as provided
16 by law and shall consist of fines collected pursuant to subsection (2) of
17 this section, appropriations, gifts, grants, donations and income from any
18 other source. Moneys in the fund may be appropriated only for the purposes
19 of this chapter, which shall include administrative expenses. The treasurer
20 shall invest all idle moneys in the fund. Any interest earned on the invest-
21 ment of idle moneys shall be returned to the fund.

22 (2) In addition to any other fine that may be imposed upon each per-
23 son found guilty of criminal activity, the court shall impose a fine in the
24 amount of three dollars (\$3.00) for each conviction or finding of guilt of
25 each felony or misdemeanor count, for each conviction or finding of guilt of
26 an infraction under section 18-8001 or 49-301, Idaho Code, or for each con-
27 viction or finding of guilt of a first-time infraction under section 23-604
28 ~~or 23-949~~, Idaho Code, unless the court orders that such fine be waived only
29 when the defendant is indigent and at the time of sentencing shows good cause
30 for inability to pay and written findings to that effect are entered by the
31 court.

32 (3) Notwithstanding the provisions of section 19-4705, Idaho Code, the
33 fines imposed under this section shall be paid into the peace officer and de-
34 tention officer temporary disability fund.

35 SECTION 65. SEVERABILITY. The provisions of this act are hereby de-
36 clared to be severable and if any provision of this act or the application
37 of such provision to any person or circumstance is declared invalid for any
38 reason, such declaration shall not affect the validity of the remaining por-
39 tions of this act.

40 SECTION 66. This act shall be in full force and effect on and after Jan-
41 uary 1, 2020.