

STATEMENT OF PURPOSE

RS27471C1 / H0383

The purpose of this legislation is to expand the ability of the courts to provide a legal means for victims of sexual assault to petition for a civil protection order. Protection orders are widely used legal interventions to reduce the risk of future harm by one person considered to be a threat to another. Currently, Idaho Code does not allow for a protection order to be granted for most people who have been sexually assaulted, unlike people who have been victims of domestic violence, stalking, or even telephone harassment. This legislation would clear up existing confusion for these victims and finally provide a means for them to seek legal protection through the courts.

FISCAL NOTE

It is very difficult to estimate the fiscal impact of this legislation. In general, the existence of a new cause of action has the effect of increasing revenue derived from fines and/or fees. However, pursuant to Section 39-6305, Idaho Code, all fees are waived. Thus, no new revenue would be generated by expanding the grounds upon which an order may be granted pursuant to Chapter 63, Title 39, Idaho Code. Expanding the grounds upon which relief may be granted could have the effect of increasing the caseload of the magistrate division of the district court. This could increase state obligations for the personnel costs of magistrate judges and court reporters, depending on whether or not the increase could be absorbed by existing caseloads. It could also increase local obligations for the direct and indirect cost of arrest and incarceration due to violation of the protection order. However, these costs cannot be quantified at this time due to a lack of direct access to accurate and comprehensive data on (a) the costs associated with a particular type of magistrate caseload; and (b) the number of petitions that will be filed on the basis of sexual assault. Wyoming passed similar legislation 2 years ago and has found that about 20 orders have been issued in that time. Based on Wyoming's implementation of their law, it is estimated that the numbers statewide for Idaho could be comparable to Wyoming with estimates of less than 100 cases per year statewide. Therefore, no additional judicial or county personnel are anticipated.

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