

STATEMENT OF PURPOSE

RS27353 / S1256

Pursuant to article V, section 25 of the Idaho Constitution, the Supreme Court has recommended in its annual report to the Governor a correction to a defect in the law found in I.C. § 19-2914A(3). Specifically, this statutory section requires that, while making an arrest, a bail enforcement agent must possess an affidavit extending to them the authority to make such arrest. This section also requires the Idaho Supreme Court to approve the form of this affidavit. The affidavit is neither issued by nor filed with the courts, and as a result, it is inappropriate for the Supreme Court to assess the sufficiency of the form of the affidavit outside the context of a litigated case. Thus, this bill seeks to eliminate from I.C. § 19-2914A the requirement that the Supreme Court approve the form of the affidavit. In addition, and although not originally reported to the Governor as a defect in the law, this bill also recommends amending I.C. § 19-2914 to eliminate the same requirement of Supreme Court approval since this statute references the same form referenced in I.C. § 19-2914A.

FISCAL NOTE

This proposed amendment will have no fiscal impact upon the General Fund, any other state fund, or local governments. Since the proposed amendment only seeks to eliminate a requirement that the Supreme Court approve the form of an affidavit extending the authority to arrest from a private party to another private party, it is projected this proposed amendment will cause neither an increase nor decrease in existing or future appropriations or revenues.

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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).