

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 286

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO PUBLIC SHOOTING RANGES; AMENDING SECTION 19-4705, IDAHO CODE,  
2 TO REVISE PROVISIONS REGARDING THE DISTRIBUTION OF CERTAIN FINES AND  
3 FORFEITURES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION  
4 36-418, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.  
5

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

7 SECTION 1. That Section 19-4705, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 19-4705. PAYMENT OF FINES AND FORFEITURES -- SATISFACTION OF JUDGMENT  
10 -- DISPOSITION -- APPORTIONMENT. (1) Except as otherwise provided in subsec-  
11 tion (2) of this section:

12 (a) All fines and forfeitures collected pursuant to the judgment of  
13 any court of the state shall be remitted to the court in which the judg-  
14 ment was rendered. The judgment shall then be satisfied by entry in the  
15 docket of the court. The clerk of the court shall daily remit all fines  
16 and forfeitures to the county auditor who shall at the end of each month  
17 apportion the proceeds according to the provisions of this chapter.  
18 Other existing laws regarding the disposition of fines and forfeitures  
19 are hereby repealed to the extent such laws are inconsistent with the  
20 provisions of this chapter except as provided in section 49-1013(5),  
21 Idaho Code.

22 (b) Fines and forfeitures remitted for violations of fish and game  
23 laws shall be apportioned two and one-half percent (2 1/2%) to the  
24 state treasurer for deposit in the state general fund, ten percent  
25 (10%) to the search and rescue account, twenty-two and one-half percent  
26 (22 1/2%) to the district court fund and sixty-five percent (65%) to the  
27 ~~fish and game fund~~ public shooting range fund as provided in section  
28 36-418, Idaho Code.

29 (c) Fines and forfeitures remitted for violations of state motor ve-  
30 hicle laws, for violation of state driving privilege laws, and for  
31 violation of state laws prohibiting driving while under the influence  
32 of alcohol, drugs or any other intoxicating substances, shall be appor-  
33 tioned ten percent (10%) to the state treasurer, of which eighty-six  
34 percent (86%) shall be deposited to the state general fund and fourteen  
35 percent (14%) shall be deposited to the peace officers standards and  
36 training fund authorized in section 19-5116, Idaho Code, forty-five  
37 percent (45%) to the state treasurer for deposit in the highway dis-  
38 tribution account, twenty-two and one-half percent (22 1/2%) to the  
39 district court fund and twenty-two and one-half percent (22 1/2%) to the  
40 state treasurer for deposit in the public school income fund; provided,  
41 however, that fines and forfeitures remitted for violation of state mo-  
42 tor vehicle laws, for violation of state driving privilege laws, and for

1 violation of state laws prohibiting driving while under the influence  
2 of alcohol, drugs or any other intoxicating substances, where an arrest  
3 is made or a citation is issued by a city law enforcement official, or by  
4 a law enforcement official of a governmental agency under contract to  
5 provide law enforcement services for a city, shall be apportioned ten  
6 percent (10%) to the state treasurer, of which eighty-six percent (86%)  
7 shall be deposited to the state general fund and fourteen percent (14%)  
8 shall be deposited to the peace officers standards and training fund  
9 authorized in section 19-5116, Idaho Code, and ninety percent (90%) to  
10 the city whose officer made the arrest or issued the citation.

11 (d) Fines and forfeitures remitted for violation of any state law not  
12 involving fish and game laws, or motor vehicle laws, or state driving  
13 privilege laws, or state laws prohibiting driving while under the in-  
14 fluence of alcohol, drugs or any other intoxicating substances, shall  
15 be apportioned ten percent (10%) to the state treasurer, of which  
16 eighty-six percent (86%) shall be deposited to the state general fund  
17 and fourteen percent (14%) shall be deposited to the peace officers  
18 standards and training fund authorized in section 19-5116, Idaho Code,  
19 and ninety percent (90%) to the district court fund of the county in  
20 which the violation occurred.

21 (e) Fines and forfeitures remitted for violation of county ordinances  
22 shall be apportioned ten percent (10%) to the state treasurer, of which  
23 eighty-six percent (86%) shall be deposited to the state general fund  
24 and fourteen percent (14%) shall be deposited to the peace officers  
25 standards and training fund authorized in section 19-5116, Idaho Code,  
26 and ninety percent (90%) to the district court fund of the county whose  
27 ordinance was violated.

28 (f) Fines and forfeitures remitted for violation of city ordinances  
29 shall be apportioned ten percent (10%) to the state treasurer, of which  
30 eighty-six percent (86%) shall be deposited to the state general fund  
31 and fourteen percent (14%) shall be deposited to the peace officers  
32 standards and training fund authorized in section 19-5116, Idaho Code,  
33 and ninety percent (90%) to the city whose ordinance was violated.

34 (g) Fines and forfeitures remitted for violations not specified in this  
35 chapter shall be apportioned ten percent (10%) to the state treasurer,  
36 of which eighty-six percent (86%) shall be deposited to the state gen-  
37 eral fund and fourteen percent (14%) shall be deposited to the peace of-  
38 ficers standards and training fund authorized in section 19-5116, Idaho  
39 Code, and ninety percent (90%) to the district court fund of the county  
40 in which the violation occurred except in cases where a duly designated  
41 officer of any city police department or city law enforcement official  
42 shall have made the arrest for any such violation, in which case ninety  
43 percent (90%) shall be apportioned to the city whose officer made the  
44 arrest.

45 (h) Fines and forfeitures remitted for violations involving registra-  
46 tions of motorcycles or motor-driven cycles used off highways, snowmo-  
47 biles, or use of winter recreation parking areas shall be apportioned  
48 ten percent (10%) to the state treasurer, of which eighty-six percent  
49 (86%) shall be deposited to the state general fund and fourteen percent  
50 (14%) shall be deposited to the peace officers standards and training

1 fund authorized in section 19-5116, Idaho Code, and ninety percent  
 2 (90%) to the general fund of the county or city whose law enforcement  
 3 official issued the citation.

4 (i) Fines and forfeitures remitted for violations of overweight laws  
 5 as provided in section 49-1013(3), Idaho Code, shall be deposited one  
 6 hundred percent (100%) into the highway distribution account.

7 (j) Fines remitted for violations of section 18-7008, Idaho Code, shall  
 8 be apportioned ten percent (10%) to the district court fund, sixty-five  
 9 percent (65%) to the county where the trespass occurred for appropria-  
 10 tion to the sheriff's office, and twenty-five percent (25%) to the Idaho  
 11 rangeland resources commission for expanded education programs regard-  
 12 ing private property rights and land user responsibility.

13 (2) Any fine or forfeiture remitted for any misdemeanor violation for  
 14 which an increase in the maximum fine became effective on or after July 1,  
 15 2005, shall be apportioned as follows:

16 (a) Any funds remitted, up to the maximum amount that could have been  
 17 imposed before July 1, 2005, as a fine for the misdemeanor violation,  
 18 shall be apportioned according to the applicable provisions of subsec-  
 19 tion (1) of this section; and

20 (b) Any other funds remitted, in excess of the maximum amount that could  
 21 have been imposed before July 1, 2005, as a fine for the misdemeanor vi-  
 22 olation, shall be remitted to the state treasurer and shall be deposited  
 23 in the drug court, mental health court and family court services fund as  
 24 set forth in section 1-1625, Idaho Code.

25 (3) As used in this section, the term "city law enforcement official"  
 26 shall include an official of any governmental agency ~~which is~~ providing law  
 27 enforcement services to a city in accordance with the terms of a contract or  
 28 agreement, when such official makes the arrest or issues a citation within  
 29 the geographical limits of the city and when the contract or agreement pro-  
 30 vides for payment to the city of fines and forfeitures resulting from such  
 31 service.

32 SECTION 2. That Section 36-418, Idaho Code, be, and the same is hereby  
 33 amended to read as follows:

34 36-418. PUBLIC SHOOTING RANGE FUND. (1) It is the intent of the leg-  
 35 islature that public shooting ranges shall be established and preserved  
 36 throughout the state for the training and enjoyment of the citizens.

37 (2) The state public shooting range fund is hereby established. The  
 38 commission shall administer the fund and shall annually prepare a report to  
 39 the legislature detailing the revenues and expenditures of the fund.

40 (3) The fund shall consist of:

41 (a) Fines and forfeitures remitted for violations of fish and game laws  
 42 pursuant to section 19-4705(1)(b), Idaho Code;

43 (b) Revenues, unless otherwise prohibited by law, derived from the sale  
 44 or lease of real property owned by the commission and acquired for or  
 45 used for the purpose of providing public shooting ranges and moneys re-  
 46 ceived from the sale of goods and services from commission-owned shoot-  
 47 ing ranges;

48 (c) Gifts, grants, or other contributions; and

49 (d) Such other funds as the legislature shall appropriate.

1           (4) Moneys in the fund are continuously appropriated and shall be used  
2 for purposes enumerated in this chapter. Interest earned on moneys in the  
3 fund shall be credited to the fund.

4           (5) The commission shall determine the amount available to distribute  
5 under this section, the distributions, and the recipients. Distributions  
6 from the fund may be made to shooting ranges open to the public and operated  
7 by government or nonprofit entities for the following purposes:

- 8           (a) Shooting range engineering and studies;
- 9           (b) Noise abatement;
- 10           (c) Safety enhancement;
- 11           (d) Shooting range design;
- 12           (e) New shooting range sites and construction;
- 13           (f) Shooting range relocation; and
- 14           (g) Other projects that are necessary to enhance or preserve a shooting  
15 range under good practices and management.

16           (6) The director shall appoint a committee to act in an advisory ca-  
17 pacity to the department on matters relating to evaluation of applications  
18 for grants to be awarded from the public shooting range fund according to the  
19 purposes enumerated in this section. The committee shall include represen-  
20 tation by active recreational shooters.