

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 495

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ADVERTISING ILLEGAL PRODUCTS AND SERVICES; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 89, TITLE 18, IDAHO CODE, TO PROHIBIT THE ADVERTISING OF ILLEGAL PRODUCTS AND SERVICES; AMENDING SECTION 19-4705, IDAHO CODE, TO PROVIDE FOR THE APPORTIONMENT OF CERTAIN FINES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 89, Title 18, Idaho Code, and to read as follows:

CHAPTER 89

ADVERTISING ILLEGAL PRODUCTS AND SERVICES

18-8901. ADVERTISING ILLEGAL PRODUCTS AND SERVICES PROHIBITED. Except as provided in section 18-603, Idaho Code, any person who willfully publishes any notice or advertisement, in any medium, of a product or service that is illegal under Idaho law is guilty of a misdemeanor.

SECTION 2. That Section 19-4705, Idaho Code, be, and the same is hereby amended to read as follows:

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

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 Other existing laws regarding the disposition of fines and forfeitures are hereby repealed to the extent such laws are inconsistent with the provisions of this chapter, except as provided in section 49-1013(5), Idaho Code.

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

(c) Fines and forfeitures remitted for violations of state motor 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 shall be appor-  
3 tioned ten percent (10%) to the state treasurer, of which eighty-six  
4 percent (86%) shall be deposited to the state general fund and fourteen  
5 percent (14%) shall be deposited to the peace officers standards and  
6 training fund authorized in section 19-5116, Idaho Code, forty-five  
7 percent (45%) to the state treasurer for deposit in the highway distri-  
8 bution account, twenty-two and one-half percent (22 1/2%) to the dis-  
9 trict court fund, and twenty-two and one-half percent (22 1/2%) to the  
10 state treasurer for deposit in the public school income fund; provided,  
11 however, that fines and forfeitures remitted for violation of state mo-  
12 tor vehicle laws, for violation of state driving privilege laws, and for  
13 violation of state laws prohibiting driving while under the influence  
14 of alcohol, drugs or any other intoxicating substances, where an arrest  
15 is made or a citation is issued by a city law enforcement official or by  
16 a law enforcement official of a governmental agency under contract to  
17 provide law enforcement services for a city, shall be apportioned ten  
18 percent (10%) to the state treasurer, of which eighty-six percent (86%)  
19 shall be deposited to the state general fund and fourteen percent (14%)  
20 shall be deposited to the peace officers standards and training fund  
21 authorized in section 19-5116, Idaho Code, and ninety percent (90%) to  
22 the city whose officer made the arrest or issued the citation.

23 (d) Fines and forfeitures remitted for violation of any state law not  
24 involving fish and game laws, motor vehicle laws, state driving privi-  
25 lege laws, or state laws prohibiting driving while under the influence  
26 of alcohol, drugs or any other intoxicating substances shall be appor-  
27 tioned ten percent (10%) to the state treasurer, of which eighty-six  
28 percent (86%) shall be deposited to the state general fund and fourteen  
29 percent (14%) shall be deposited to the peace officers standards and  
30 training fund authorized in section 19-5116, Idaho Code, and ninety  
31 percent (90%) to the district court fund of the county in which the vio-  
32 lation occurred.

33 (e) Fines and forfeitures remitted for violation of county ordinances  
34 shall be apportioned ten percent (10%) to the state treasurer, of which  
35 eighty-six percent (86%) shall be deposited to the state general fund  
36 and fourteen percent (14%) shall be deposited to the peace officers  
37 standards and training fund authorized in section 19-5116, Idaho Code,  
38 and ninety percent (90%) to the district court fund of the county whose  
39 ordinance was violated.

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

46 (g) Fines and forfeitures remitted for violations not specified in this  
47 chapter shall be apportioned ten percent (10%) to the state treasurer,  
48 of which eighty-six percent (86%) shall be deposited to the state gen-  
49 eral fund and fourteen percent (14%) shall be deposited to the peace of-  
50 ficers standards and training fund authorized in section 19-5116, Idaho

1 Code, and ninety percent (90%) to the district court fund of the county  
2 in which the violation occurred, except in cases where a duly designated  
3 officer of any city police department or city law enforcement official  
4 made the arrest for any such violation, in which case ninety percent  
5 (90%) shall be apportioned to the city whose officer made the arrest.

6 (h) Fines and forfeitures remitted for violations involving any of the  
7 provisions of chapter 71, title 67, Idaho Code, shall be apportioned ten  
8 percent (10%) to the state treasurer, of which eighty-six percent (86%)  
9 shall be deposited to the state general fund and fourteen percent (14%)  
10 shall be deposited to the peace officers standards and training fund au-  
11 thorized in section 19-5116, Idaho Code, and ninety percent (90%) to the  
12 general fund of the county or city whose law enforcement official issued  
13 the citation.

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

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

23 (k) Fines remitted for violations of section 18-8901, Idaho Code, shall  
24 be apportioned ninety percent (90%) to the county where the violation  
25 occurred for appropriation to the sheriff's office and ten percent  
26 (10%) to the district court fund of the county where the violation oc-  
27 curring.

28 (2) Any fine or forfeiture remitted for any misdemeanor violation for  
29 which an increase in the maximum fine became effective on or after July 1,  
30 2005, shall be apportioned as follows:

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

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

40 (3) As used in this section, the term "city law enforcement official"  
41 shall include an official of any governmental agency providing law enforce-  
42 ment services to a city in accordance with the terms of a contract or agree-  
43 ment, when such official makes the arrest or issues a citation within the ge-  
44 ographical limits of the city and when the contract or agreement provides for  
45 payment to the city of fines and forfeitures resulting from such service.

46 SECTION 3. An emergency existing therefor, which emergency is hereby  
47 declared to exist, this act shall be in full force and effect on and after its  
48 passage and approval.