

IN THE SENATE

SENATE BILL NO. 1348

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO DEBTS OWED TO COURTS; AMENDING SECTION 19-4708, IDAHO CODE, TO
2 ESTABLISH PROVISIONS REGARDING COLLECTION OF DEBTS OWED TO A COURT AND
3 TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING
4 AN EFFECTIVE DATE.
5

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

7 SECTION 1. That Section 19-4708, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 19-4708. COLLECTION OF DEBTS OWED TO COURTS -- CONTRACTS FOR COLLEC-
10 TION. (1) The supreme court, or the clerks of the district court with the ap-
11 proval of the administrative district judge, may enter into contracts in ac-
12 cordance with this section for collection services for debts owed to courts.
13 The cost of collection shall be paid by the defendant or juvenile offender as
14 an administrative surcharge when the defendant or juvenile offender fails to
15 pay any amount ordered by the court and the court utilizes the services of a
16 contracting agent pursuant to this section.

17 (2) In every criminal case, the court shall review debts owed to the
18 court by a defendant or juvenile offender no less often than every ninety
19 (90) days. In any case where a defendant or juvenile offender has not made at
20 least one (1) payment toward debts owed to the court within such ninety (90)
21 day period, such person shall be required to appear before the court, in per-
22 son, to explain to the court why payments have not been made and to establish
23 a meaningful payment plan. It shall be the responsibility of the administra-
24 tive district judge in each judicial district to establish a practice to ac-
25 complish the requirements of this subsection.

26 ~~(2)~~ (3) As used in this section:

27 (a) "Contracting agent" means a person, firm or other entity who con-
28 tracts to provide collection services.

29 (b) "Cost of collection" means the fee specified in contracts to be paid
30 to or retained by a contracting agent for collection services.

31 (c) "Debts owed to courts" means any assessment of fines, court costs,
32 surcharges, penalties, fees, restitution, moneys expended in provid-
33 ing counsel and other defense services to indigent defendants or juve-
34 nile offenders or other charges ~~which~~ that a court judgment or disposi-
35 tion has ordered to be paid to the court in civil, criminal, or juvenile
36 cases, and ~~which~~ that remain unpaid, in whole or in part, and includes
37 any interest or penalties on such unpaid amounts as provided for in the
38 judgment or by law.

39 ~~(3)~~ (4) The supreme court may adopt rules as deemed appropriate for the
40 administration of this section, including procedures to be used in the nego-
41 tiation and execution of contracts pursuant to this section, procedures to
42 be followed by courts ~~which~~ that utilize collection services under such con-

1 tracts, and procedures for the compromise of debts owed to courts in criminal
2 or juvenile cases.

3 ~~(4)~~ (5) Each contract entered into pursuant to this section shall spec-
4 ify the scope of work to be performed and provide for a fee to be paid to or
5 retained by the contracting agent for collection services. Such fee shall be
6 designated as the cost of collection and shall not exceed thirty-three per-
7 cent (33%) of the amount collected. The cost of collection shall be deducted
8 from the amount collected but shall not be deducted from the debts owed to
9 courts.

10 ~~(5)~~ (6) Contracts entered into shall provide for the payment of any
11 amounts collected to the clerk of the district court for the court in which
12 the debt being collected originated after first deducting the collection
13 fee. In accounting for amounts collected from any person pursuant to this
14 section, the district court clerk shall credit the person's amount owed in
15 the amount of the net proceeds collected and shall not reduce the amount owed
16 by any person by that portion of any payment ~~which~~ that constitutes the cost
17 of collection pursuant to this section.

18 ~~(6)~~ (7) With the appropriate cost of collection paid to the contract-
19 ing agent as agreed upon in the contract, the clerk shall then distribute the
20 amounts collected in accordance with the law.

21 SECTION 2. An emergency existing therefor, which emergency is hereby
22 declared to exist, this act shall be in full force and effect on and after
23 July 1, 2024.