

IN THE SENATE

SENATE BILL NO. 1330, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE SMALL CLAIMS DEPARTMENT OF THE MAGISTRATE DIVISION; AMENDING
2 SECTION 1-2301, IDAHO CODE, TO REVISE A PROVISION REGARDING THE SCOPE
3 OF A CLAIM; AMENDING SECTION 1-2311, IDAHO CODE, TO REVISE A PROVISION
4 REGARDING ATTORNEY'S FEES; AND DECLARING AN EMERGENCY AND PROVIDING AN
5 EFFECTIVE DATE.
6

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

8 SECTION 1. That Section 1-2301, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 1-2301. SMALL CLAIMS DEPARTMENT -- CREATION -- SCOPE OF CLAIMS --
11 VENUE. In every magistrate's division of the district court of this state,
12 the district court may create and organize a "Small Claims Department of
13 the Magistrate's Division," which shall have jurisdiction in cases for the
14 recovery of money where the amount of each claim does not exceed five fifteen
15 thousand dollars ~~(\$5,000)~~ (\$15,000), and in cases for the recovery of per-
16 sonal property where the value of the property does not exceed five fifteen
17 thousand dollars ~~(\$5,000)~~ (\$15,000); provided however, that the small
18 claims department shall not award punitive damages or damages for pain or
19 suffering in any proceeding. Any action brought in a small claims department
20 of the magistrate's division shall be brought in the magistrate's division
21 in the county where the defendant resides or the county where the cause of ac-
22 tion arose. A defendant may request a change of venue if an action is brought
23 in an improper county.

24 SECTION 2. That Section 1-2311, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 1-2311. APPEAL TO LAWYER MAGISTRATE. If either party is dissatisfied,
27 he may, within thirty (30) days from the entry of said judgment against him,
28 appeal to a lawyer magistrate other than the magistrate who entered said
29 judgment; and if the final judgment is rendered against him by such lawyer
30 magistrate, then he shall pay, in addition to any judgment rendered in the
31 magistrate's division, an attorney's fee to the prevailing party ~~in the sum~~
32 ~~of twenty-five dollars~~ ~~(\$25.00)~~ as provided in section 12-120(6), Idaho
33 Code, provided, however, that appeals from such small claims department
34 shall be allowed only in such cases as appeals would be allowed if the action
35 were instituted in the magistrate's division as is now provided, and further
36 provided that the appeal shall be heard in the county wherein the original
37 small claim was filed. A fee of twenty dollars (\$20.00) shall be paid by
38 the party taking the appeal, which shall be paid to the county treasurer who
39 shall, within fifteen (15) days after the end of the month, pay such fees to
40 the state treasurer for deposit into the court technology fund.

1 SECTION 3. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2026.