

TITLE 31
COUNTIES AND COUNTY LAW

CHAPTER 32
FEES

31-3201. CLERK OF DISTRICT COURT -- FEES. (1) The clerk of the district court shall lawfully charge, demand and receive the following fees for services rendered by him in discharging the duties imposed upon him by law:

For filing and docketing abstract or transcript of judgment from another court \$2.00
For issuing execution upon an abstract or transcript of judgment and filing same on return \$2.00
For recording execution issued upon abstract or transcript of judgment, per page \$2.00
For taking affidavits, including jurat \$1.00
For taking acknowledgments, including seal \$1.00
For filing and indexing designation of agent of foreign corporation ...
..... \$2.00
For filing and indexing notarial statement \$2.00
For making copy of any file or record, per page \$1.00
For comparing and conforming a prepared copy of any file or record, per page \$.50
For certifying the same an additional fee for certificate and seal
..... \$1.00
For all services not herein enumerated, and of him lawfully required, the clerk of the district court shall demand and receive such fees as are herein allowed for similar services.

(2) All fees collected under the provisions of this section shall be paid over to the county treasurer at the same time and in the same manner as other fees.

(3) In addition to all other fines, forfeitures and costs levied by the court, the clerk of the district court shall collect ten dollars (\$10.00) as an administrative surcharge fee on each criminal case, including an infraction under section [18-8001](#) or [49-301](#), Idaho Code, a first-time infraction under section [23-604](#) or [23-949](#), Idaho Code, and five dollars (\$5.00) on other infractions to be paid over to the county treasurer at the same time and in the same manner as other fees, for the support of the county justice fund, or the current expense fund if no county justice fund has been established, and shall collect ten dollars (\$10.00) as an administrative surcharge fee on each civil case, including each appeal, to be paid over to the county treasurer for the support of the county court facilities fund, or to the district court fund if no county court facilities fund has been established.

(4) Provided further, an additional handling fee of two dollars (\$2.00) shall be imposed on each monthly installment of criminal or infraction fines, forfeitures, and other costs paid on a monthly basis.

(5) Provided further, in addition to all other fines, forfeitures and costs levied by the court, the clerk of the district court shall collect ten dollars (\$10.00) as a court technology fee on each criminal and infraction offense to be paid over to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fee to the state treasurer for deposit into the court technology fund.

[(31-3201) 1890-1891, p. 174, sec. 1; reen. 1899, p. 116, sec. 1; am. R.C., sec. 2121; am. 1909, p. 22, sec. 1; am. 1917, ch. 36, sec. 5, p. 83; compiled and reen. C.L., sec. 2121; C.S., sec. 3702; am. 1931, ch. 217, sec. 1, p. 422; I.C.A., sec. 30-2701; am. 1937, ch. 88, sec. 2, p. 117; am. 1957, ch. 242, sec. 1, p. 602; am. 1963, ch. 169, sec. 1, p. 489; am. 1969, ch. 139, sec. 1, p. 427; am. 1976, ch. 281, sec. 2, p. 962; am. 1979, ch. 219, sec. 1, p. 608; am. 1986, ch. 103, sec. 1, p. 290; am. 1990, ch. 216, sec. 2, p. 581; am. 1994, ch. 208, sec. 2, p. 657; am. 1997, ch. 28, sec. 2, p. 49; am. 1997, ch. 227, sec. 1, p. 664; am. 2005, ch. 240, sec. 2, p. 744; am. 2014, ch. 190, sec. 5, p. 508; am. 2016, ch. 344, sec. 6, p. 990; am. 2018, ch. 298, sec. 5, p. 708; am. 2022, ch. 21, sec. 1, p. 48.]

31-3201A. COURT FEES. The clerk of the district court in addition to the fees and charges imposed by [chapter 20, title 1](#), Idaho Code, and by section [31-3201](#), Idaho Code, and in addition to the fee levied by [chapter 2, title 73](#), Idaho Code, shall charge, demand and receive the following fees for services rendered by him in discharging the duties imposed upon him by law:

(1) Civil cases. A fee of one hundred seventy-five dollars (\$175) for filing a civil case of any type in the district court, except for those cases to be assigned to the magistrate division of the district court for which the fee shall be one hundred twenty dollars (\$120), with the following exceptions:

- (a) The fee for small claims shall be as provided in section [1-2303](#), Idaho Code;
- (b) No filing fee shall be charged in the following types of cases:
 - (i) Cases brought under [chapter 3, title 66](#), Idaho Code, for commitment of mentally ill persons;
 - (ii) Cases brought under the juvenile corrections act;
 - (iii) Cases brought under the child protective act;
 - (iv) Demands for bond before a personal representative is appointed in probate;
 - (v) Petitions for sterilization;
 - (vi) Petitions for judicial consent to abortion;
 - (vii) Registration of trusts and renunciations;
 - (viii) Petitions for leave to compromise the disputed claim of a minor;
 - (ix) Petitions for a civil protection order or to enforce a foreign civil protection order pursuant to [chapter 63, title 39](#), Idaho Code;
 - (x) Objections to the appointment of a guardian filed by a minor or an incapacitated person;
 - (xi) Proceedings to suspend a license for nonpayment of child support pursuant to section [7-1405](#), Idaho Code;
 - (xii) Proceedings under the uniform post-conviction procedure act as provided in [chapter 49, title 19](#), Idaho Code;
 - (xiii) Filings of a custody decree from another state; and
 - (xiv) Filings of any answer after an initial appearance fee has been paid.

The filing fee shall be distributed as follows: twenty-three dollars (\$23.00) of such filing fee shall be paid to the county treasurer for deposit in the district court fund of the county, with six dollars (\$6.00) of such twenty-three dollars (\$23.00) dedicated to provide for the suitable and adequate quarters of the magistrate division of the district court, including

the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff personnel, supplies and other expenses of the magistrate division; one dollar (\$1.00) of such filing fee shall be paid to the peace officers standards and training fund established in section [19-5116](#), Idaho Code; one hundred thirty-five dollars (\$135) of such filing fee, or in a case assigned to the magistrate division of the district court eighty dollars (\$80.00) of such filing fee, shall be paid to the county treasurer who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund; ten dollars (\$10.00) of such filing fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; and six dollars (\$6.00) of such filing fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(2) Felonies and misdemeanors. A fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not in advance, by each person found guilty of any felony or misdemeanor, except when the court orders such fee waived because the person is indigent and unable to pay such fee. Eleven dollars (\$11.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county, with six dollars (\$6.00) of such eleven dollars (\$11.00) dedicated to provide for the suitable and adequate quarters of the magistrate division of the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff personnel, supplies and other expenses of the magistrate division; one dollar (\$1.00) of such filing fee shall be paid to the peace officers standards and training fund established in section [19-5116](#), Idaho Code; and five dollars and fifty cents (\$5.50) of such fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section.

(3) Infractions. A fee of sixteen dollars and fifty cents (\$16.50) shall be paid, but not in advance, by each person found to have committed an infraction or any minor traffic, conservation or ordinance violation, and a fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not in advance, by each person found to have committed an infraction under section [18-8001](#) or [49-301](#), Idaho Code, or a first-time infraction under section [23-604](#) or [23-949](#), Idaho Code, and distributed pursuant to subsection (2) of this section; provided that the judge or magistrate may in his or her discretion consolidate separate nonmoving traffic offenses into one (1) offense for purposes of assessing such fee. Eleven dollars (\$11.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county, with six dollars (\$6.00) of such eleven dollars (\$11.00) dedicated to provide for the suitable and adequate quarters of the magistrate division of the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff personnel, supplies and other expenses of the magistrate division; one dollar (\$1.00) of such filing fee shall be paid to the peace officers standards and training fund established in section [19-5116](#), Idaho Code; and four dollars and fifty cents (\$4.50) of such fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section.

(4) Initial appearance other than plaintiff. A fee of one hundred dollars (\$100) shall be paid for any filing constituting the initial appearance by a party, except the plaintiff, in any civil action in the district court or in the magistrate division of the district court, except small claims. If two (2) or more parties are making their initial appearance in the same filing, then only one (1) filing fee shall be collected. Of such fee, four dollars (\$4.00) shall be paid to the county treasurer for deposit in the district court fund of the county; eighty dollars (\$80.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund; ten dollars (\$10.00) of such fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; and six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(5) Accountings. A fee of nine dollars (\$9.00) shall be paid by the person or persons required to make an account pursuant to [title 15](#), Idaho Code, at the time such account is filed. All of such fee shall be paid to the county treasurer for deposit in the district court fund of the county.

(6) Distribution of estate. A fee of twenty-five dollars (\$25.00) shall be paid upon the filing of a petition of the executor or administrator or of any person interested in an estate for the distribution of such estate, six dollars (\$6.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; thirteen dollars (\$13.00) of such fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; and six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(7) Third-party claim. A fee of fourteen dollars (\$14.00) shall be paid by a party filing a third-party claim as defined in the Idaho rules of civil procedure. Eight dollars (\$8.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(8) Cross-claims. A fee of fourteen dollars (\$14.00) shall be paid by any party filing a cross-claim. Eight dollars (\$8.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(9) Change of venue. A fee of twenty-nine dollars (\$29.00) shall be paid by a party initiating a change of venue. Such fee shall be paid to the clerk of the court of the county to which venue is changed. Nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(10) Reopening a case.

(a) A fee of eighty-five dollars (\$85.00) shall be paid by any party appearing after judgment or applying to reopen a case. Nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and seventy dollars (\$70.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(b) A fee of one hundred eight dollars (\$108) shall be paid by a party applying to reopen a divorce action or modify a divorce decree, with seventeen dollars (\$17.00) of the fee to be paid to the county treasurer for deposit in the district court fund of the county; fifteen dollars (\$15.00) of such fee to be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; six dollars (\$6.00) of such fee to be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and seventy dollars (\$70.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(c) When the application to reopen a case consists only of a motion or other pleading to revive or renew a judgment, a fee of twenty-nine dollars (\$29.00) shall be paid by the party filing the motion or pleading. Nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(11) Appeal to district court. A fee of thirty-five dollars (\$35.00) shall be paid by a party taking an appeal from the magistrate division of the district court to the district court; nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund. No additional fee shall be required if a new trial is granted.

(12) Appeal to supreme court. A fee of thirty-five dollars (\$35.00) shall be paid by the party taking an appeal from the district court to the supreme court for comparing and certifying the transcript on appeal, if such certificate is required. Nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer,

who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(13) Fees not covered by this section, including fees to defray the costs of electronic access to court records other than the register of actions, shall be set by rule or administrative order of the supreme court.

(14) All fees required to be paid by this section or by rule or administrative order of the supreme court shall be collected by the clerk of the district court or by a person appointed by the clerk of the district court for this purpose. If it appears that there is a necessity for such fees to be collected by persons other than the clerk of the district court or a person designated by the clerk for such purpose, the supreme court by rule or administrative order may provide for the designation of persons authorized to receive such fees. Persons so designated shall account for such fees in the same manner required of the clerk of the district court and shall pay such fees to the clerk of the district court of the county in which such fees are collected.

(15) That portion of the filing fees required to be remitted to the state treasurer for deposit pursuant to subsections (1), (2), (3), (4), (6) and (10) of this section shall be apportioned eighty-six percent (86%) to the state general fund and fourteen percent (14%) to the peace officers standards and training fund authorized in section [19-5116](#), Idaho Code, within fifteen (15) days after the end of the month in which such fees were remitted to the county treasurer. That portion of the filing fees required to be remitted to a city treasurer for deposit in the city's general fund shall be remitted within fifteen (15) days after the end of the month in which such fees were remitted to the county treasurer.

(16) Of the fees derived from the filing of any divorce action required to be transmitted to the state treasurer, the county treasurer shall retain five dollars (\$5.00), which shall be separately identified and deposited in the district court fund of the county. Such moneys shall be used exclusively for the purpose of establishing a uniform system of qualifying and approving persons, agencies or organizations to conduct evaluations of persons convicted of domestic assault or battery as provided in section [18-918](#), Idaho Code, and the administration of section [18-918](#)(7), Idaho Code, relating to the evaluation and counseling or other treatment of such persons, including the payment of the costs of evaluating and counseling or other treatment of an indigent defendant. No provision of [chapter 52, title 39](#), Idaho Code, shall apply to the moneys provided for in this subsection.

(17) In consideration of the fees in this section, the clerk of the district court shall be required to perform all lawful service that may be required of him by any party thereto; provided that he shall not prepare and furnish any certified copy of any file or record in an action, except printed transcript on appeal, without additional compensation as provided by law.

[31-3201A, added 1969, ch. 139, sec. 2, p. 427; am. 1971, ch. 217, sec. 1, p. 972; am. 1972, ch. 31, sec. 1, p. 45; am. 1974, ch. 157, sec. 1, p. 1387; am. 1976, ch. 307, sec. 3, p. 1054; am. 1978, ch. 72, sec. 1, p. 143; am. 1979, ch. 219, sec. 2, p. 608; am. 1980, ch. 125, sec. 1, p. 281; am. 1981, ch. 238, sec. 1, p. 478; am. 1982, ch. 353, sec. 11, p. 879; am. 1985, ch. 28, sec. 1, p. 48; am. 1988, ch. 24, sec. 2, p. 28; am. 1993, ch. 196, sec. 2, p. 536; am. 1995, ch. 223, sec. 2, p. 772; am. 1996, ch. 164, sec. 1, p. 544; am. 1996, ch. 166, sec. 1, p. 548; am. 1996, ch. 256, sec. 2, p. 838; am. 1997, ch. 28, sec. 3, p. 50; am. 1998, ch. 76, sec. 1, p. 274; am. 1998, ch. 420, sec. 2, p. 1325; am. 2003, ch. 237, sec. 3, p. 610;

am. 2005, ch. 114, sec. 2, p. 367; am. 2005, ch. 240, sec. 3, p. 745; am. 2006, ch. 267, sec. 2, p. 829; am. 2009, ch. 80, sec. 2, p. 221; am. 2014, ch. 190, sec. 6, p. 509; am. 2016, ch. 344, sec. 7, p. 991; am. 2018, ch. 264, sec. 3, p. 632; am. 2018, ch. 298, sec. 6, p. 708; am. 2022, ch. 21, sec. 2, p. 49.]

31-3201B. PEACE OFFICERS STANDARDS AND TRAINING -- FEE. The court shall charge a fee of fifteen dollars (\$15.00) for peace officers standards and training purposes to be paid by each person found guilty of any felony or misdemeanor, or found to have committed an infraction or any minor traffic, conservation or ordinance violation, except for cars unlawfully left or parked or when the court orders such fee waived because the person is indigent and unable to pay such fee; provided, however, that the judge or magistrate may in his discretion consolidate separate nonmoving traffic offenses into one (1) offense for purposes of assessing such fee. Such fees shall be in addition to all other fines and fees levied. Such fees shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the peace officers standards and training fund.

[31-3201B, added 1983, ch. 117, sec. 3, p. 261; am. 1989, ch. 84, sec. 1, p. 145; am. 1994, ch. 193, sec. 1, p. 623; am. 2005, ch. 114, sec. 3, p. 371; am. 2012, ch. 159, sec. 1, p. 435.]

31-3201C. COMMUNITY SERVICE FEE. The court shall charge a fee of sixty cents (60¢) per hour of community service to be remitted to the state insurance fund for purposes of providing worker's compensation insurance for persons performing community service; however, if a county is self-insured and provides worker's compensation insurance for persons performing community service, then remittance to the state insurance fund is not required. This per hour fee shall be paid by each person found guilty of any felony or misdemeanor and community service is provided as part of the sanction or as a condition of a withheld judgment or probation. The court may waive such fee if it determines the person is indigent and unable to pay such fee. Such fees shall be in addition to all other fines and fees levied. Such fees shall be paid to the district court and deposited in the county treasury for payment to the state insurance fund.

[31-3201C, added 1994, ch. 233, sec. 1, p. 725; am. 2000, ch. 33, sec. 1, p. 61; am. 2009, ch. 154, sec. 3, p. 452.]

31-3201D. COUNTY MISDEMEANOR PROBATION SUPERVISION FEE. (1) Any person under a supervised probation program for a misdemeanor offense shall be required to pay an amount not more than the maximum monthly felony probation or parole supervision fee set forth in section [20-225](#), Idaho Code, per month, or such lesser sum as determined by the administrative judge of the judicial district, as a misdemeanor probation supervision fee. Any failure to pay such fee shall constitute grounds for the revocation of probation by the court, but this shall not be the exclusive remedy for its collection. The court for good cause may exempt a person from the payment of all or any part of the foregoing fee.

(2) Any fee paid under this section on or after July 1, 2008, and regardless of whether the underlying judgment of conviction, withheld judgment or order imposing probation was entered before or after that date, shall be paid

to the clerk of the district court, who shall pay the first one dollar (\$1.00) of each monthly payment to the state treasurer for deposit in the peace officers standards and training fund authorized in section [19-5116](#), Idaho Code, to help offset the costs to counties for the basic training, continuing education and certification of misdemeanor probation officers, whether those officers are employees of or by private sector contract with a county; the clerk of the district court shall deposit the remainder of each monthly payment into the county misdemeanor probation fund which is hereby created in each county, or, at the option of the board of county commissioners, deposited in the county justice fund to be used for the purposes described in this section. Moneys from this fee may be accumulated from year to year and shall be expended exclusively for county misdemeanor probation services and related purposes.

(3) This section shall not restrict the court from ordering the payment of other costs and fees, including but not limited to electronic monitoring fees and other fees pursuant to section [19-2608](#), Idaho Code, that, by law, may be imposed on persons who have been found guilty of or have pled guilty to a criminal offense, including those who have been placed on probation or parole. Such additional costs and fees shall be paid to the clerk of the court if services are provided by the county or directly to the agency providing the service. If fees are paid to the clerk of the court, the clerk of the court shall pay such fees to the county treasurer and such fees shall be used exclusively to cover the costs for which the additional fees have been ordered.

[31-3201D, added 1998, ch. 144, sec. 1, p. 515; am. 2008, ch. 88, sec. 6, p. 247; am. 2011, ch. 128, sec. 2, p. 354; am. 2012, ch. 109, sec. 4, p. 300; am. 2020, ch. 281, sec. 3, p. 819.]

31-3201E. DRUG COURT AND MENTAL HEALTH COURT FEE -- DRUG COURT AND MENTAL HEALTH COURT FUND. Each person admitted into a drug court or mental health court shall pay a drug court and mental health court fee in an amount not to exceed three hundred dollars (\$300) per month or a lesser amount as set by the administrative district judge for participants in the drug court and mental health court. For good cause, the judge presiding over a drug court or mental health court may exempt a participant from paying all or a portion of the drug court and mental health court fee. The fee imposed under this section shall be paid to the clerk of the district court for deposit into the county drug court and mental health court fund which is hereby created in each county that has a drug court or mental health court. Moneys in this fund may be accumulated from year to year and shall be expended exclusively for expenses incurred in connection with the drug court or mental health court including, but not limited to, substance abuse treatment, mental health treatment, drug testing, supervision and private counseling services utilized by the drug court or mental health court. Any failure to pay the drug court and mental health court fee may constitute grounds for termination from drug court or mental health court by the court, provided this shall not be the exclusive remedy for collection of the fee. If a participant is terminated from the drug court or mental health court prior to successful completion of the program and a judgment of conviction is entered against the defendant, any unpaid drug court and mental health court fee shall be ordered by the court in the judgment of conviction, provided the court may order such fee to be waived if the court determines that the person is indigent and unable to pay the fee. Such fee shall be in addition to all other fines and

fees levied, and the payment of such fee may also be ordered as a term and condition of probation.

[31-3201E, added 2001, ch. 337, sec. 2, p. 1198; am. 2004, ch. 249, sec. 1, p. 715; am. 2005, ch. 358, sec. 9, p. 1132.]

31-3201F. ABANDONED VEHICLE FEE. The court shall charge a fee of one hundred fifty dollars (\$150) for reimbursement of expenses incurred in the disposition of an abandoned vehicle to be paid by each person found to have committed a traffic infraction according to the provisions of section [49-1802](#), Idaho Code. Such fees shall be in addition to all other fines and fees levied. Such fees shall be paid to the county treasurer who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit to the abandoned vehicle trust account. Each fee shall be accompanied by a record of the conviction.

[31-3201F, added 2002, ch. 366, sec. 1, p. 1033.]

31-3201G. GUARDIANSHIP AND CONSERVATORSHIP PROJECT FUND. (1) In addition to any other filing and reporting fees applicable to guardianships and conservatorships, the court shall charge the following fees:

- (a) Fifty dollars (\$50.00) for filing cases involving guardianships or conservatorships;
- (b) Forty-one dollars (\$41.00) for reports required to be filed with the court by conservators; and
- (c) Twenty-five dollars (\$25.00) for reports required to be filed with the court by guardians.

(2) The additional fees set forth in paragraphs (a), (b) and (c) of subsection (1) of this section shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in the guardianship and conservatorship project fund, which is hereby created in the state treasury. The fund shall be administered by the Idaho supreme court and shall consist of fees as provided in this section, any moneys recovered pursuant to section [15-5-314](#)(2), Idaho Code, and any funds as may be appropriated by the legislature, grants, donations and moneys from other sources.

(3) Moneys in the fund shall be expended exclusively for the development of a project which shall be designed to improve reporting and monitoring systems and processes for the protection of persons and their assets where a guardian or conservator has been appointed. Elements of the project may include, but are not limited to, the following:

- (a) The adoption of standards of practice for guardians;
- (b) A requirement that guardians be registered;
- (c) Consideration of an office of the public guardian in counties in which the project operates;
- (d) A review of the strengths of Idaho law regarding the treatment and care of developmentally disabled persons; and
- (e) If federal or grant funding is available, funding for adult protection services to seek guardians in cases for which volunteers cannot be enlisted.

(4) The supreme court shall report annually to the senate judiciary and rules committee and the house judiciary, rules and administration committee regarding the progress of the project.

[31-3201G, added 2005, ch. 55, sec. 1, p. 209; am. 2014, ch. 164, sec. 6, p. 464.]

31-3201H. SURCHARGE FEE. (1) The court shall charge a surcharge fee to be paid by each defendant for each criminal offense or infraction committed on or after April 15, 2010, for which the defendant is found or pleads guilty. Such fee shall be in addition to all other fines and fees levied.

(2) The amount of the surcharge fee shall be as follows:

(a) For each felony, the fee shall be one hundred dollars (\$100);

(b) For each misdemeanor, and for each infraction under section [18-8001](#) or [49-301](#), Idaho Code, or each first-time infraction under section [23-604](#) or [23-949](#), Idaho Code, the fee shall be fifty dollars (\$50.00); and

(c) For each infraction, except each infraction under section [18-8001](#) or [49-301](#), Idaho Code, or each first-time infraction under section [23-604](#) or [23-949](#), Idaho Code, the fee shall be ten dollars (\$10.00).

(3) The fee shall be collected by the clerk of the district court and shall be paid to the county treasurer, who shall, within five (5) days after the end of the month, pay such fees to the state treasurer, who shall deposit eighty percent (80%) of such fees in the state general fund and twenty percent (20%) of such fees in the court technology fund created by section [1-1623](#), Idaho Code.

[31-3201H, added 2010, ch. 205, sec. 3, p. 446; am. 2013, ch. 80, sec. 1, p. 199; am. 2014, ch. 190, sec. 7, p. 513; am. 2016, ch. 34, sec. 1, p. 84; am. 2016, ch. 344, sec. 8, p. 995; am. 2018, ch. 298, sec. 7, p. 713.]

31-3201I. DISTRIBUTION OF PAYMENTS IN CRIMINAL AND INFRACTION CASES. When ordered by the court to make one (1) of the following payments in a criminal or infraction case, a defendant shall make the payment to the clerk of the court in which the judgment was entered. The judgment shall be satisfied accordingly by entry in the electronic docket of the court, and the clerk of the court shall remit daily all such payments to the county auditor who shall, at least monthly, distribute the payments received as required by statute. The distributions shall first completely satisfy the amounts due in the following order before distribution of payments for any other amounts owed to the court, and any payment applied to a category below in which more than one (1) payment was ordered shall be distributed in proportion to the relative amounts of such ordered payments:

(1) Fees for each felony, misdemeanor, and infraction paid pursuant to section [31-3201A](#)(2) and (3), Idaho Code;

(2) Fines or reimbursements paid for the crime victims compensation account pursuant to section [72-1025](#), Idaho Code;

(3) Misdemeanor probation supervision fees, including court-ordered costs and fees, paid pursuant to section [31-3201D](#), Idaho Code;

(4) Pretrial release supervision fees paid pursuant to section [31-3201J](#), Idaho Code;

(5) County drug and mental health fund fees paid pursuant to section [31-3201E](#), Idaho Code;

(6) Fines paid for the peace officer and detention officer temporary disability fund pursuant to section [72-1105](#), Idaho Code;

(7) Restitution to victims of crime paid and distributed pursuant to section [19-5304](#), Idaho Code, if paid through the clerk of the court;

- (8) Fines entered on behalf of victims in cases of crimes of violence paid pursuant to section [19-5307](#), Idaho Code;
- (9) Community service fees paid pursuant to section [31-3201C](#), Idaho Code;
- (10) Victim notification fund fees paid pursuant to section [31-3204](#), Idaho Code;
- (11) Court technology fees paid pursuant to section [31-3201](#)(5), Idaho Code;
- (12) Surcharge fees paid pursuant to section [31-3201H](#), Idaho Code;
- (13) Peace officers standards and training fees paid pursuant to section [31-3201B](#), Idaho Code;
- (14) Domestic violence court fees paid pursuant to section [32-1410](#), Idaho Code;
- (15) Criminal and infraction fines;
- (16) Reimbursement for public defender costs paid pursuant to section [19-854](#)(7), Idaho Code;
- (17) Costs of prosecution ordered as a condition of probation and paid pursuant to section [19-2601](#), Idaho Code, and Idaho criminal rule 33(d)(2);
- (18) Domestic violence fines for the domestic violence project account paid pursuant to section [39-6312](#), Idaho Code;
- (19) Drug hotline fees paid pursuant to section [37-2735A](#), Idaho Code;
- (20) Additional fish and game fines for the search and rescue fund paid pursuant to section [36-1405](#), Idaho Code;
- (21) County administrative surcharge fees paid pursuant to section [31-3201](#)(3), Idaho Code;
- (22) Motor vehicle violation surcharge fees and ignition interlock and electronic monitoring fees paid pursuant to sections [18-8008](#) and [18-8010](#), Idaho Code;
- (23) Costs for toxicology testing paid pursuant to section [37-2732C](#)(g), Idaho Code;
- (24) Costs incurred by law enforcement agencies in investigating controlled substance violations pursuant to [chapter 27, title 37](#), Idaho Code, violations of the racketeering act pursuant to section [18-7804](#), Idaho Code, or money laundering and illegal investment provisions of section [18-8201](#), Idaho Code, paid pursuant to section [37-2732](#)(k), Idaho Code;
- (25) Restitution for the repair or replacement of simulated wildlife paid pursuant to section [36-1101](#)(b)(8), Idaho Code;
- (26) Abandoned vehicle fees paid pursuant to section [31-3201F](#), Idaho Code; and
- (27) Any other amounts paid pursuant to any statutory section not referenced in this section.

[[31-3201I](#), added 2018, ch. 189, sec. 1, p. 414; am. 2019, ch. 217, sec. 2, p. 657; am. 2020, ch. 130, sec. 1, p. 414; am. 2020, ch. 281, sec. 4, p. 820.]

[31-3201J](#). PRETRIAL SUPERVISION FEE. (1) Any person under a supervised pretrial release program may be required to pay an amount not more than the maximum monthly misdemeanor probation supervision fee set forth in section [31-3201D](#), Idaho Code, per month, or such lesser sum as determined by the administrative judge of the judicial district, as a pretrial release supervision fee to cover the actual costs of supervising the defendant while in the supervised pretrial release program.

(2) A defendant shall not be required to pay the pretrial supervision fee authorized in subsection (1) of this section until after a judgment of conviction or withheld judgment.

(3) The pretrial supervision fee shall be paid to the clerk of the court, who shall pay such fees to the county treasurer. Such fees shall be used exclusively to cover the costs of the pretrial services provided by the pretrial services agency that has been designated to provide such services.

(4) The court may also order the defendant to pay additional fees to cover the actual costs of electronic monitoring, alcohol testing, or drug testing if such monitoring or testing is a condition of the defendant's release. Such additional fees may be paid to the clerk of the court or directly to the provider of the service. If fees are paid to the clerk of the court, the clerk of the court shall pay such fees to the county treasurer and such fees shall be used exclusively to cover the costs for which the additional fees have been ordered.

(5) Based on a finding of indigence or other good cause, the court may exempt the defendant from the payment of all or any part of the fees authorized by this section, and no defendant shall be denied release or denied participation in a supervised pretrial release program because of an inability to pay the fees authorized by this section. Any unpaid pretrial services fee shall be considered a debt owed to the court and may be collected in the manner provided by law for the collection of such debts.

[31-3201J, added 2019, ch. 217, sec. 3, p. 658; am. 2020, ch. 281, sec. 5, p. 821.]

31-3202. CLERK OF DISTRICT COURT -- EXCEPTIONS TO FEE SCHEDULE. In any action instituted in the name of any county auditor, as trustee for the county for the foreclosure of any tax lien, no state stenographer's fee must be charged or received by the clerk of the district court.

[(31-3202) 1917, ch. 36, proviso in sec. 5, p. 83; reen. C.L., sec. 2121a; C.S., sec. 3703; I.C.A., sec. 30-2702.]

31-3203. SHERIFF'S FEES. The board of county commissioners of each respective county shall have the power to set sheriff's fees by a resolution of the board for the services herein specified in an amount reasonably related to but not exceeding the actual costs of such service. The sheriff is allowed and may demand and receive such fees. In the event that the board of commissioners does not resolve to set fees by resolution as herein described, the sheriff is allowed and may demand and receive the fees hereinafter specified:

For serving summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant \$10.00

For serving an attachment on property, or levying an execution, except for a writ of wage garnishment or financial institution garnishment, or executing an order of arrest, or order for the delivery of personal property \$10.00

For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sum as the court may order: provided, however, that said sum shall be no more than five dollars (\$5.00) per diem or the reasonable costs incurred by a keeper in preserving said property.

For making and issuing a keeper's receipt \$5.00

For taking a bond or undertaking in any case in which he is authorized to take the same \$10.00

For copy of and making return on any writ, except for a writ of wage garnishment or financial institution garnishment, process or other paper, when demanded or required by law \$10.00

For serving every notice, rule or order \$10.00

For making and posting notices, and advertising property for sale on attachment or execution, or under any judgment or order of sale, exclusive of the costs of publication, each notice, per folio \$ 3.00

For serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant \$10.00

For holding each inquest, or trial of right of property, to include all services in the matter except mileage \$ 3.00

For serving a subpoena, for each witness summoned \$10.00

For commissions for receiving and paying over money on execution or other process, when land or personal property has been levied on and sold, on the first one thousand dollars (\$1,000), two percent (2%); on all sums above that amount, one percent (1%); but in no case of sale of real estate shall his commission exceed the sum of \$100.00

When the amount of such sale is credited on the debt and no money is transferred, then one-half (1/2) of such commission.

For commissions for receiving and paying over money on execution without levy, except for a writ of wage garnishment or financial institution garnishment, or where lands or goods levied on are not sold, on the first one thousand dollars (\$1,000), one and one-half percent (1 1/2%); and one-half (1/2) of one percent (1%) on all over that sum, but not to exceed in any case \$75.00

The fees herein allowed for the levy of an execution, costs for advertising and percentage for making or collecting the money on execution, must be collected from the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing a sheriff's deed, including the acknowledgment, to be paid by the grantee before delivery \$10.00

For executing a certificate of sale, exclusive of the filing and recording of same \$ 5.00

For making every arrest in a criminal proceeding \$ 5.00

For summoning each juror \$ 1.00

For serving a subpoena in a criminal action or proceeding, for each witness summoned \$10.00

For traveling to serve any summons and complaint, or any other process, except for a writ of wage garnishment or financial institution garnishment, by which an action or proceeding is commenced, notice, rule, order, subpoena, venire, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, or execute an order of arrest, or order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, for each mile actually and necessarily traveled for the first twenty-five (25) miles no charge shall be allowed, and for any miles traveled over twenty-five (25) miles, even if process is not served, the following shall be allowed, in going only \$.40

For traveling to execute any warrant of arrest, subpoena, venire or other process in criminal cases, or for taking a prisoner from prison, before a court or magistrate, or for taking a prisoner from the place of

arrest to prison, or before a court or magistrate, for each mile actually and necessarily traveled, in going only \$.40

For each additional prisoner taken at the same time, per mile \$.25

But if any two (2) or more papers be required to be served in the same action or proceeding, civil or criminal, or be in the possession of the sheriff for service at the same time, and in the same direction, one (1) mileage only shall be charged; and in serving a subpoena, venire, process or paper, when two (2) or more jurors, witnesses, parties or persons to be served reside or are found in the same direction, traveling fees must be charged only for the most distant; and only one (1) mileage per day must be charged for taking a prisoner from prison before a court or magistrate; and constructive mileage must in no case be charged or allowed.

For all services under the election laws, the same mileage and fees as in this chapter provided for similar services.

For postage and processing of each mail renewal class D driver's license authorized pursuant to section [49-319](#), Idaho Code \$1.00

For wage and financial institution garnishment, the board of county commissioners shall set sheriff's fees as set forth in section [11-729](#), Idaho Code.

[(31-3203) 1890-1891, p. 174, sec. 2; reen. 1899, p. 116, sec. 2; modified by 1899, p. 340, sec. 5; compiled R.C., sec. 2122; am. 1911, ch. 197, sec. 1, p. 660; compiled and reen. C.L., sec. 2122; C.S., sec. 3704; am. 1929, ch. 83, sec. 2, p. 134; I.C.A., sec. 30-2703; am. 1943, ch. 171, sec. 1, p. 359; am. 1961, ch. 17, sec. 1, p. 18; am. 1967, ch. 287, sec. 1, p. 797; am. 1973, ch. 2, sec. 5, p. 4; am. 1974, ch. 109, sec. 1, p. 1252; am. 1982, ch. 173, sec. 1, p. 457; am. 1983, ch. 58, sec. 1, p. 135; am. 1992, ch. 68, sec. 1, p. 202; am. 1995, ch. 76, sec. 1, p. 205; am. 2003, ch. 39, sec. 1, p. 159; am. 2017, ch. 303, sec. 10, p. 813.]

31-3204. VICTIM NOTIFICATION -- FEE. The court shall charge a fee of fifteen dollars (\$15.00) for victim notification purposes to be paid by each person found guilty of each felony, misdemeanor or infraction under section [18-8001](#) or [49-301](#), Idaho Code, or first-time infraction under section [23-604](#) or [23-949](#), Idaho Code, except when the court orders such fee waived because the person is indigent and unable to pay such fee. Such fee shall be in addition to all other fines and fees levied. Such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the state victim notification fund established in section [67-2912](#), Idaho Code.

[31-3204, added 2012, ch. 114, sec. 1, p. 316; am. 2014, ch. 335, sec. 1, p. 828; am. 2016, ch. 344, sec. 9, p. 996; am. 2018, ch. 298, sec. 8, p. 713.]

31-3205. RECORDER'S FEES. (1) The county recorder is allowed and may receive for his services the following fees to be paid him by the party procuring his services:

(a) Except as otherwise set forth in this section, for recording every instrument, paper or notice, for the first page \$10.00
For each additional page \$3.00

(b) For recording each of the following types of instruments, provided such instrument is thirty (30) pages or less:

- (i) Deeds, grants and transfers of title to real property \$15.00
- (ii) Trust deeds or mortgages of real property, including fixture filings, security agreements and assignments of leases and rents if contained within the same instrument for recording \$45.00
- (iii) Reconveyances of trust deeds, reconveyances of trust deeds that include a substitution of trustee if contained within the same instrument for recording, and releases of mortgages . \$15.00
- (iv) Substitution of a trustee \$10.00
- (v) Powers of attorney \$25.00

For each additional page beyond thirty (30) pages for an instrument listed in this paragraph \$3.00

- (c) For electronic copies (as defined in subsection (2) of this section) requested on a recurring basis, for each page or image 5¢
- (d) For copies of any record or paper, for each page \$1.00
- (e) For each certificate under seal, when required \$1.00
- (f) For release or assignment where more than one (1) document is released or assigned in the same instrument, for each additional release or assignment \$1.00
- (g) For recording every town plat or map, for the first one hundred (100) lots or less \$11.00

For each additional lot 5¢

- (h) For taking acknowledgments, including seal \$1.00
- (i) For filing a survey, for each page \$5.00
- (j) For making a copy of a survey or highway right-of-way plat ... \$4.00
- (k) For issuing marriage license, filing, recording and indexing the certificate of marriage and taking and filing affidavits required in issuance of the license \$11.00
- (l) For administering an oath, including jurat \$1.00

And certifying the same when required, an additional fee of \$1.00

- (m) For comparing and certifying a prepared copy of a file or record in his office, for each page 50¢
- (n) For each certificate under seal, an additional fee of \$1.00

(2) Electronic copies shall include copies provided via internet download, on a compact disc, zip disc, floppy disc, or other electronic means. The county recorder shall provide electronic copies if the record is maintained in electronic form and if the person specifically requests an electronic copy.

(3) For duplication of recorded documents in paper, microfilm or microfiche format requested on a recurring basis in excess of one hundred (100) pages, the fee shall be negotiated between the county recorder and the purchaser of records. The fee shall not exceed the costs to the county recorder for the retrieval and duplication of the record. These negotiated fees shall be recommended by the county recorder and approved by the board of county commissioners. Any existing agreements for duplication of paper, microfilm or microfiche documents in excess of one hundred (100) pages are hereby ratified and approved. Any negotiated fees shall remain in effect until such time as either party requests a review of the fee.

(4) All instruments delivered to the county recorder for record shall be recorded rather than filed with the exception of plats, surveys, corner records, and instruments under the uniform commercial code.

(5) For all other services as recorder, not enumerated herein, the fee shall be as fixed in the statute requiring the service or the same fee as allowed the clerk of the district court for like service.

(6) A page shall not exceed fourteen (14) inches in length nor eight and one-half (8 1/2) inches in width. Each page shall be typewritten or be in legible writing. The recording fee to be charged for maps, sketches, drawings or other instruments except plats larger than the size permitted in this subsection for a page shall be two cents (2¢) per square inch.

[(31-3205) 1890-1891, p. 174, sec. 4; reen. 1899, p. 116, sec. 4; modified by 1899, p. 405; compiled R.C., sec. 2124; am. 1911, ch. 173, sec. 1, p. 507; compiled and reen. C.L., sec. 2124; C.S., sec. 3706; I.C.A., sec. 30-2705; am. 1935, ch. 105, sec. 1, p. 254; am. 1949, ch. 168, sec. 1, p. 364; am. 1951, ch. 251, sec. 1, p. 540; am. 1959, ch. 72, sec. 1, p. 157; am. 1967, ch. 272, sec. 6, p. 745; am. 1969, ch. 199, sec. 1, p. 574; am. 1976, ch. 281, sec. 3, p. 963; am. 1979, ch. 61, sec. 1, p. 163; am. 1981, ch. 293, sec. 1, p. 613; am. 1982, ch. 275, sec. 1, p. 706; am. 1984, ch. 29, sec. 1, p. 50; am. 1986, ch. 14, sec. 1, p. 55; am. 1987, ch. 29, sec. 1, p. 38; am. 1994, ch. 364, sec. 1, p. 1139; am. 2006, ch. 286, sec. 1, p. 882; am. 2008, ch. 111, sec. 1, p. 313; am. 2010, ch. 137, sec. 1, p. 291; am. 2013, ch. 280, sec. 1, p. 728; am. 2017, ch. 237, sec. 1, p. 583; am. 2018, ch. 187, sec. 1, p. 411; am. 2022, ch. 43, sec. 1, p. 112.]

31-3206. RECORDER -- EXCEPTIONS TO FEE SCHEDULE. Each county recorder shall record, free of charge, all clear lists of lands granted to the state by the United States.

[(31-3206) 1911, ch. 63, part of sec. 1, p. 184; compiled and reen. C.L., sec. 2124a; C.S., sec. 3707; am. 1921, ch. 13, sec. 1, p. 12; I.C.A., sec. 30-2706.]

31-3207. AUDITOR'S FEES. For services as county auditor, not enumerated in this chapter, the fee fixed by the statute requiring the service shall be charged and collected, or the same fee as allowed the county recorder as provided by section [31-3205](#), Idaho Code, shall be charged and collected.

[(31-3207) 1890-1891, p. 174, sec. 4; reen. 1899, p. 116, sec. 4; modified by 1899, p. 405; compiled R.C., sec. 2124; reen. 1911, ch. 173, sec. 1, p. 567; compiled and reen. C.L., sec. 2124b; C.S., sec. 3708; I.C.A., sec. 30-2707; am. 1989, ch. 72, sec. 1, p. 116.]

31-3211. FEES TO BE PREPAID -- EXCEPTION -- PENALTY FOR OFFICIAL DERELICTION. The officers mentioned in this title are not in any case, except for the state or county, to perform any official services unless upon prepayment of the fees prescribed for such services by law, except as in the succeeding sections provided: provided further, that the attorney-general or any prosecuting attorney may cause subpoenas to be issued on behalf of the state, without paying or tendering fees in advance to any officers, and on such payment the officer must perform the services required.

For every failure or refusal to perform official duty when the fees are tendered, the officer is liable on his official bond.

[(31-3211) R.S., sec. 2137; modified by R.S., sec. 2146; am. and reen. R.C. & C.L., sec. 2128; C.S., sec. 3712; I.C.A., sec. 30-2711.]

31-3212. EXCEPTIONS TO FEE SCHEDULE -- HABEAS CORPUS -- STATE OR ANY COUNTY OF IDAHO A PARTY -- COST OF TRANSCRIPTS. (1) No filing or recording fee of any kind shall be charged or received by any county officer mentioned in this chapter for duties performed or services rendered in proceedings in habeas corpus, unless the habeas corpus petitioner is a prisoner as defined in section [31-3220A](#), Idaho Code.

(2) County officers shall not charge any fee against, or receive any compensation whatever from, the state or any county of Idaho for any services rendered in any action or proceeding in which the state of Idaho, or any state board, or state officer in his official capacity, or any county of Idaho, or county officer in his official capacity, is a party.

(3) If the habeas corpus petitioner or appellant is a prisoner, and is not an indigent prisoner as defined in section [31-3220A](#), Idaho Code, the prisoner may be required to pay all or part of the filing fees on appeal as set forth in sections [31-3201](#) and [31-3201A](#), Idaho Code. If the appellant is an indigent prisoner, as found by the court under section [31-3220A](#), Idaho Code, the transcript on appeal will be paid for as provided in section [1-1105](#)(2), Idaho Code.

(4) In habeas corpus cases on appeal to the supreme court of the state of Idaho, in which the appellant is not a prisoner but is otherwise restrained of his liberty by any public officer, the transcript for use on the appeal will be paid for by the appellant. If the appellant under this paragraph is indigent, the transcript and/or record for use on the appeal will be paid for in the manner as provided in section [1-1105](#)(2), Idaho Code.

(5) In habeas corpus cases on appeal to the supreme court of the state of Idaho, in which the custody of children is in controversy, the appellant, unless he be indigent, shall pay for the record on appeal. If the appellant under this paragraph is indigent, the record and/or transcript will be paid for as provided in section [1-1105](#)(2), Idaho Code.

[(31-3212) R.S., sec. 2138; am. 1901, p. 162, sec. 1; reen. R.C. & C.L., sec. 2129; C.S., sec. 3713; I.C.A., sec. 30-2712; am. 1967, ch. 52, sec. 1, p. 98; am. 1982, ch. 281, sec. 1, p. 715; am. 1996, ch. 420, sec. 5, p. 1401.]

31-3213. PENSIONERS EXEMPT FROM PAYING FEE -- PENALTY FOR CHARGING. No judge or clerk of court, county clerk, county auditor or any other county officer shall be allowed to charge any honorably discharged male or female veteran who had active service in any war or conflict officially engaged in by the government of the United States or their dependents or legal representative thereof, any fee for administering any oath or giving any official certificate for the procuring of any pension, bounty or back pay, nor for administering any oath or oaths and giving the certificate required upon any voucher for collection of periodical dues from the pension agent, nor any fee for services rendered in perfecting any voucher. Any such officer who may require and accept fees for such services shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

[(31-3213) 1895, p. 36, secs. 1, 2; reen. 1899, p. 242, secs. 1, 2; reen. R.C. & C.L., sec. 2129a; C.S., sec. 3714; I.C.A., sec. 30-2713; am. 1969, ch. 24, sec. 1, p. 48.]

31-3214. TABLE OF FEES -- OFFICERS TO PUBLISH -- PENALTY FOR NEGLIGENCE. Every officer whose fees are herein ascertained must publish and set up in his office fair tables of his fees, according to this title, within one (1) month after he enters upon the duties of his office, in some conspicuous place, for inspection of all persons who have business in his office, upon pain of forfeiting for each day a sum not exceeding twenty dollars (\$20.00), which may be recovered by any person by action before any justice of the peace of the same county, with costs.

[(31-3214) R.S., sec. 2139; reen. R.C. & C.L., sec. 2130; C.S., sec. 3715; I.C.A., sec. 30-2714.]

31-3215. EXECUTION FOR FEES. If any clerk, sheriff, justice of the peace, or constable, shall not have received any fees which may be due him for services rendered in any suit or proceeding, he may have execution therefor, in his own name, against the party from whom they are due, to be issued from the court in which the action is pending.

[(31-3215) R.S., sec. 2140; reen. R.C. & C.L., sec. 2131; C.S., sec. 3716; I.C.A., sec. 30-2715; am. 1970, ch. 120, sec. 13, p. 284.]

31-3217. LIMITATION ON MILEAGE OF OFFICER. When any sheriff, constable or coroner serves more than one (1) process in the same case, not requiring more than one (1) journey from his office, he shall receive mileage only for the most distant service.

[(31-3217) R.S., sec. 2142; reen. R.C. & C.L., sec. 2133; C.S., sec. 3718; I.C.A., sec. 30-2717.]

31-3218. RECEIPT FOR FEES. Every officer upon receiving any fees for official duty or services, may be required by the person making the same to make out in writing and deliver to such person a particular account of such fees, specifying for what they respectively accrued, and shall receipt for the same; and if he refuses or neglects to do so, when required, or shall receive illegal fees, he shall be liable to the party paying for three (3) times the amount so paid.

[(31-3218) R.S., sec. 2144; reen. R.C. & C.L., sec. 2134; C.S., sec. 3719; I.C.A., sec. 30-2718.]

31-3219. PHOTOGRAPHIC COPIES OF RECORDS -- FEES. The county recorder, and the clerk of the district court, is allowed, and may receive for his services, the following fees, to be paid him by the party procuring his services:

For photographic copies of any record the sum of \$1.00 per page.

[31-3219, added 1957, ch. 166, sec. 1, p. 300; am. 1959, ch. 66, sec. 1, p. 138.]

31-3220. INABILITY TO PAY FEES -- DEFINITIONS -- AFFIDAVIT. (1) For purposes of this section, the following definitions shall apply:

(a) "Action" means any civil suit, action, proceeding or appeal of any such action, including a habeas corpus action, but excluding proceedings brought pursuant to [chapter 49, title 19](#), Idaho Code.

(b) "Court" means the district court (including its magistrates division), the court of appeals of Idaho or the supreme court of Idaho.

(c) "Frivolous" means a claim which has no arguable basis in law or fact, or is substantially similar to a previous claim that has been dismissed with prejudice or is barred by res judicata or collateral estoppel.

(d) "Indigent" means a person who is not a prisoner, as defined in section [31-3220A](#), Idaho Code, and who is found by the court to be unable to pay fees, costs or give security for the purpose of prepayment of fees, costs or security in a civil action.

(e) "Malicious" means a claim which appears to be intended solely to harass the party.

(2) The court may authorize the commencement or defense of any action without prepayment of fees, costs or security, by any indigent person not a prisoner, providing:

(a) The person files an affidavit that he is indigent as provided in subsection (3) of this section, and unable to pay fees, costs or give security; and

(b) The court finds, after informal inquiry, that the person is indigent for the purpose of prepayment of fees, costs or security.

(3) The affidavit shall contain complete information as to:

- (a) The person's identity;
- (b) The nature and amount of his income;
- (c) His spouse's income;
- (d) The real and personal property owned;
- (e) His cash or checking accounts;
- (f) His dependents;
- (g) His debts;
- (h) His monthly expenses;
- (i) The nature of the action;
- (j) The affiant's belief that he is entitled to redress.

The affidavit shall also contain the following statements: "I am unable to pay the court costs. I verify that the statements made in this affidavit are true and correct." The affidavit shall be sworn as required by law.

(4) No fees, costs or security shall be waived at the commencement of an action if the court finds and certifies in writing that the action is frivolous, malicious or otherwise not taken in good faith.

(5) Upon the filing of an affidavit as set forth in this section and a finding that the person is indigent, the court may direct that the expense of printing the record and/or transcript for use on appeal be paid out of the district court fund of the county in which the action was filed.

(6) The officers of the court shall issue and serve all process, and perform all duties in cases in which the person is found by the court to be indigent. Witnesses shall attend as in other cases, and the same remedies shall be available in other civil cases. Payment of fees for service of process and witnesses, where required, shall be paid out of the district court fund of the county in which the action is filed.

(7) The court may retroactively require payment for any fees, costs or security which may have been waived in the action if the court finds that any allegation contained in the affidavit of inability to pay fees is untrue, or if the court is satisfied that the action is frivolous or malicious.

(8) Judgment may be entered for attorney fees and costs at the conclusion of the action as in other cases. If the cost of the transcript or printed record has been paid out of the district court fund for the prevailing party, that party may be taxed in favor of the district court fund.

[31-3220, added 1977, ch. 228, sec. 1, p. 680; am. 1979, ch. 222, sec. 1, p. 617; am. 1996, ch. 420, sec. 6, p. 1402.]

31-3220A. PRISONER PAYMENT OF FEES AT TIME OF FILING OF ACTION -- PARTIAL PAYMENT OF FEES -- DISMISSAL OF ACTION. (1) For the purposes of this section, the following definitions shall apply:

(a) "Action" means a civil suit, action, proceeding, or appeal of any such action, including habeas corpus, but excluding proceedings brought pursuant to [chapter 49, title 19](#), Idaho Code.

(b) "Inmate account" means an account managed by officials of state, local or private correctional facilities, as defined in section [18-101A](#), Idaho Code, to which the prisoner has access to purchase personal property from the correctional facility's commissary in addition to property and supplies provided by the county, state or private correctional facility to meet the prisoner's basic needs.

(c) "Prisoner" shall have the meaning provided in section [18-101A](#), Idaho Code.

(2) A prisoner who seeks to file an action with partial payment of court fees required in sections [31-3201](#) and [31-3201A](#), Idaho Code, shall file the following at the time of filing of an action:

(a) A motion to proceed on partial payment of court fees under this section;

(b) An affidavit of inability to pay all court fees at the time of filing the action, containing complete information as to:

- (i) The prisoner's identity;
- (ii) The nature and amount of the prisoner's income;
- (iii) The prisoner's spouse's income;
- (iv) The real and personal property owned;
- (v) His cash or checking accounts;
- (vi) His dependents;
- (vii) His debts;
- (viii) His monthly expenses;
- (ix) The nature of the action;
- (x) The affiant's belief that he is entitled to redress;

The affidavit shall also contain the following statements: "I am unable to pay all court costs at the time of filing the action. I verify that the statements made in this affidavit are true and correct." The affidavit shall be sworn as required by law; and

(c) A certified copy of his inmate account that reflects the activity of his account over his period of incarceration or for twelve (12) months, whichever is less. The copy of the prisoner's inmate account shall be certified by a custodian of inmate accounts of the office of the county sheriff, the department of correction, or the private correctional facility.

Upon filing of the action and motion to proceed under this section, the prisoner shall also serve a copy of each document filed in compliance with this subsection upon counsel for the county sheriff, the department of correction, or the private correctional facility.

(3) Upon review of the information provided and considering the prisoner's ability to pay all court fees at the time of filing the action, the court shall order the prisoner to pay all or part of the court fees as set forth in sections [31-3201](#) and [31-3201A](#), Idaho Code.

(4) If the court permits the prisoner's action to proceed on partial payment of court fees, the court shall assess and, when funds exist, collect a partial payment of any court fees as set forth in sections [31-3201](#) and [31-3201A](#), Idaho Code, an initial partial filing fee of twenty percent (20%) of the greater of:

- (a) The average monthly deposits to the prisoner's inmate account; or
- (b) The average monthly balance for the six (6) month period immediately preceding the filing of the action.

(5) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of twenty percent (20%) of the preceding month's income credited to the prisoner's inmate account until the full amount of all applicable court fees set forth in sections [31-3201](#) and [31-3201A](#), Idaho Code, are paid. The agency or entity having custody of the prisoner shall forward payments from the prisoner's inmate account to the clerk of the court each time the amount in the prisoner's inmate account exceeds ten dollars (\$10.00) until the full amount of all applicable court fees set forth in sections [31-3201](#) and [31-3201A](#), Idaho Code, are paid.

(6) In no event shall the court fees collected exceed the amount of fees permitted by statute for the commencement of an action.

(7) In no event shall a prisoner be prohibited from bringing an action for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.

(8) The court may dismiss an action filed under this section, in whole or in part, on its own motion or by motion of a party, upon a finding that:

- (a) The prisoner has failed to pay the court fees under subsection (3) of this section within thirty (30) days of the entry of the order for court fees, or any time thereafter; or
- (b) Any allegation in the prisoner's affidavit filed under this section is false.

(9) If the action or any part of it is dismissed without prejudice under subsection (8) of this section, and the prisoner refiles the action, the following shall apply:

- (a) The requirements under this section must be met again in their entirety; and
- (b) No amount paid for court fees in any previously filed action, or any part thereof, shall be credited to the court fees required under sections [31-3201](#) and [31-3201A](#), Idaho Code.

(10) The court may refuse further filings under this section until the order for court fees has been satisfied in any previous action filed under this section.

(11) The office of the attorney general, the county prosecutor, or other counsel for the defendant or respondent, is authorized to receive information from the county sheriff, department of correction, or private correctional facility in order to verify the financial information submitted by a prisoner pursuant to this section.

(12) The court may request an official or officials of the county jail, department of correction, or private correctional facility to file an affidavit concerning the allegations in the prisoner's affidavit or concerning the merits of the action prior to determination whether to proceed under this section.

(13) The court may require the prisoner to file an affidavit that the claim has not been previously brought against the same parties or from the same operative facts in any state or federal court.

(14) The court may dismiss an action or a portion of the action under this section, before or after service, on its own motion or by motion of a party, upon a finding that:

- (a) Any allegation in the affidavit or the action is false;
- (b) The action is frivolous;
- (c) The action is malicious; or
- (d) The action fails to state a claim upon which relief can be granted.

(15) If a portion of the action is dismissed, the court's order dismissing the action shall also designate the issues and the defendant or respondent upon which the action is to proceed.

(16) The court shall award reasonable costs and attorney's fees to the defendant or respondent if the court finds that:

- (a) Any allegation in the prisoner's affidavit is false;
- (b) The action or any part of the action is frivolous or malicious; or
- (c) The action or any part of the action is dismissed for failure to state a claim upon which relief can be granted.

(17) Orders entered under this section are not subject to interlocutory appeal.

(18) Nothing in this section shall prevent a prisoner from authorizing payment beyond that required under the order for filing fees.

(19) If the court authorizes the commencement of the action or any part of the action without payment of fees upon a finding that the prisoner is unable to pay all court fees at the time of filing the action, and the court later finds that a prisoner is then able to pay all court fees, the court shall order the prisoner to pay all unpaid court fees within two (2) business days and enter an order for court fees. The court's finding under this subsection may be based on information contained in affidavits or other information available to the court. The court shall dismiss the action if the prisoner fails to comply with an order entered under this subsection.

(20) If the action or any part of it is dismissed without prejudice under subsection (19) of this section, and the prisoner refiles the action, the following shall apply:

- (a) The requirements under this section must be met again in their entirety; and
- (b) No amount paid for court fees in any previously filed action, or any part thereof, shall be credited to the court fees required under sections [31-3201](#) and [31-3201A](#), Idaho Code.

(21) The court may develop a form questionnaire which it may require by local rule to be filed to implement this statute.

(22) In no way shall this section be interpreted to create a liberty interest for prisoners entitling them to due process protection under the Idaho constitution or the United States constitution.

[31-3220A, added 1996, ch. 420, sec. 7, p. 1403; am. 2000, ch. 272, sec. 13, p. 796; am. 2002, ch. 296, sec. 1, p. 849.]

31-3221. PAYMENTS TO COURT BY CREDIT CARD OR DEBIT CARD. (1) The clerk of the district court may accept payment of a debt owed to the court by a credit card or debit card. Any person making payment on a debt owed to the court by a credit card or debit card shall be assessed an electronic payment convenience fee established by the supreme court, which shall include, among other costs, the amount charged the court by the issuer for the use of the card. This fee may also be paid by credit card or debit card and included in the transaction for the payment of the debt owed to the court. The electronic payment convenience fee shall be separate from the debt owed to the court and shall be deposited into the court technology fund created in section [1-1623](#), Idaho Code, and shall be used for the implementation of the provisions of this section. The debt owed to the court shall not be expunged, canceled, released, discharged or satisfied and any receipt or other evidence of payment shall be deemed conditional until the court has received final and unconditional payment of the full amount due from the financing agency or card issuer for the transaction. If an electronic payment once made is subsequently denied, revoked or otherwise canceled for any reason, and the payment is withdrawn from the court, the court may proceed as though payment had never been made.

(2) Definitions. As used in this section:

(a) "Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.

(b) "Credit card" means any instrument or device, whether known as a credit card or credit plate or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(c) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.

(d) "Debt owed to the court" means any assessment of fines, court costs, surcharges, penalties, fees, restitution, cash deposit of bail, moneys expended in providing counsel and other defense services to indigent defendants, or other charges which a court judgment has ordered to be paid to the court or which a party has agreed to pay in criminal or civil cases and includes any interest or penalty on such unpaid amounts as provided for in the judgment or by law.

(e) "Issuer" means a business organization, financial institution or authorized agent of a business organization or financial institution that issues a credit card or debit card.

(3) The supreme court may adopt rules as deemed appropriate for the administration of this section and may enter into contracts with an issuer or other organization to implement the provisions of this section.

[31-3221, added 2003, ch. 287, sec. 1, p. 777; am. 2006, ch. 73, sec. 2, p. 226; am. 2014, ch. 190, sec. 8, p. 513.]