

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 197

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO INFRACTIONS; AMENDING SECTION 31-714, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING PENALTIES AND TO PROHIBIT THE ISSUANCE OR CERTAIN
3 ORDERS AND PROCLAMATIONS; AND AMENDING SECTION 50-302, IDAHO CODE, TO
4 REVISE PROVISIONS REGARDING PENALTIES AND TO PROHIBIT THE ISSUANCE OR
5 CERTAIN ORDERS AND PROCLAMATIONS.
6

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

8 SECTION 1. That Section 31-714, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 31-714. ORDINANCES -- PENALTIES. (1) The board of county commission-
11 ers may pass all ordinances and rules and make all regulations, not repugnant
12 to law, necessary for carrying into effect or discharging the powers and du-
13 ties conferred by the laws of the state of Idaho, and such as are necessary or
14 proper to provide for the safety, promote the health and prosperity, improve
15 the morals, peace and good order, comfort and convenience of the county and
16 the inhabitants thereof, and for the protection of property therein, and may
17 enforce obedience to. Any violation of such ordinances with such fines or
18 penalties, including shall be an infraction penalties, as the board may deem
19 proper; provided, that the punishment of any offense shall be punishable by
20 a fine of not more than one thousand twenty-five dollars (\$1,00025.00) or by
21 imprisonment not to exceed six (6) months, or by both such fine and impris-
22 onment. A second violation of the same ordinance within one (1) year of the
23 first violation shall be punishable as an infraction by a fine of not more
24 than fifty dollars (\$50.00). A third or subsequent violation of the same or-
25 dinance shall be punishable as an infraction by a fine of not more than sev-
26 enty-five dollars (\$75.00).

27 (2) The board of county commissioners may not circumvent the provisions
28 of this section by the issuance of an order or proclamation for which a viola-
29 tion of such order or proclamation is punishable as a misdemeanor.

30 SECTION 2. That Section 50-302, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 50-302. PROMOTION OF GENERAL WELFARE -- PRESCRIBING PENALTIES. (1)
33 Cities shall make all such ordinances, bylaws, rules, regulations and res-
34 olutions not inconsistent with the laws of the state of Idaho as may be
35 expedient, in addition to the special powers in this act granted, to maintain
36 the peace, good government and welfare of the corporation and its trade,
37 commerce and industry. Cities may enforce all ordinances by fine, including
38 only as an infraction penalty, or incarceration; provided, however, except
39 as provided in subsection (2) of this section, that the maximum punishment of
40 any offense shall be by fine of not more than one thousand dollars (\$1,000) or

1 ~~by imprisonment not to exceed six (6) months, or by both such fine and impris-~~
2 ~~onment. punishable by a fine of not more than twenty-five dollars (\$25.00).~~
3 ~~A second violation of the same ordinance within one (1) year of the first vi-~~
4 ~~olation shall be punishable as an infraction by a fine of not more than fifty~~
5 ~~dollars (\$50.00). A third or subsequent violation of the same ordinance~~
6 ~~shall be punishable as an infraction by a fine of not more than seventy-five~~
7 ~~dollars (\$75.00).~~

8 (2) Any city ~~which that~~ is participating in a federally mandated pro-
9 gram, wherein penalties or enforcement remedies are required by the terms of
10 participation in the program, may enforce such requirements by ordinance, ~~to~~
11 ~~include a criminal or civil monetary penalty not to exceed one thousand dol-~~
12 ~~lars (\$1,000), or imprisonment for criminal offenses not to exceed six (6)~~
13 ~~months, or to include both a fine and imprisonment for criminal offenses.~~
14 ~~only as an infraction punishable by a fine of not more than twenty-five dol-~~
15 ~~lars (\$25.00). A second violation of the same ordinance within one (1) year~~
16 ~~of the first violation shall be punishable as an infraction by a fine of not~~
17 ~~more than fifty dollars (\$50.00). A third or subsequent violation of the~~
18 ~~same ordinance shall be punishable as an infraction by a fine of not more than~~
19 ~~seventy-five dollars (\$75.00).~~

20 (3) A city or city official may not circumvent the provisions of this
21 section by the issuance of an order or proclamation for which a violation of
22 such order or proclamation is punishable as a misdemeanor.