

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 493

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO FINES AND FORFEITURES; AMENDING SECTION 19-4705, IDAHO CODE, TO
2 PROVIDE THAT A CERTAIN AMOUNT SHALL BE DEPOSITED IN THE PUBLIC SCHOOL
3 INCOME FUND AND TO PROVIDE THAT A CERTAIN AMOUNT SHALL BE DEPOSITED IN
4 THE DRUG COURT, MENTAL HEALTH COURT AND FAMILY COURT SERVICES FUND.
5

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

7 SECTION 1. That Section 19-4705, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 19-4705. PAYMENT OF FINES AND FORFEITURES -- SATISFACTION OF JUDGMENT
10 -- DISPOSITION -- APPORTIONMENT. (1) Except as otherwise provided in subsec-
11 tion (2) of this section:

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19 are hereby repealed to the extent such laws are inconsistent with the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

22 (b) Fines and forfeitures remitted for violations of fish and game
23 laws shall be apportioned two and one-half percent (2 1/2%) to the
24 state treasurer for deposit in the state general fund, ten percent
25 (10%) to the search and rescue account, twenty-two and one-half percent
26 (22 1/2%) to the district court fund and sixty-five percent (65%) to the
27 fish and game fund.

28 (c) Fines and forfeitures remitted for violations of state motor vehi-
29 cle laws, for violation of state driving privilege laws, and for viola-
30 tion of state laws prohibiting driving while under the influence of al-
31 cohool, drugs or any other intoxicating substances, shall be apportioned
32 ten percent (10%) to the state treasurer of which eighty-six percent
33 (86%) shall be deposited to the state general fund and fourteen percent
34 (14%) shall be deposited to the peace officers standards and training
35 fund authorized in section 19-5116, Idaho Code, forty-five percent
36 (45%) to the state treasurer for deposit in the highway distribution ac-
37 count, twenty-two and one-half percent (22 1/2%) to the district court
38 fund and ~~twenty-two~~, ~~eleven~~ and one-halfquarter percent (22 1/24%)
39 to the state treasurer for deposit in the public school income fund and
40 eleven and one-quarter percent (11 1/4%) to the state treasurer for de-
41 posit in the drug court, mental health court and family court services
42 fund as set forth in section 1-1625, Idaho Code; provided, however, that

1 fines and forfeitures remitted for violation of state motor vehicle
2 laws, for violation of state driving privilege laws, and for violation
3 of state laws prohibiting driving while under the influence of alcohol,
4 drugs or any other intoxicating substances, where an arrest is made or
5 a citation is issued by a city law enforcement official, or by a law en-
6 forcement official of a governmental agency under contract to provide
7 law enforcement services for a city, shall be apportioned ten percent
8 (10%) to the state treasurer of which eighty-six percent (86%) shall be
9 deposited to the state general fund and fourteen percent (14%) shall be
10 deposited to the peace officers standards and training fund authorized
11 in section 19-5116, Idaho Code, and ninety percent (90%) to the city
12 whose officer made the arrest or issued the citation.

13 (d) Fines and forfeitures remitted for violation of any state law not
14 involving fish and game laws, or motor vehicle laws, or state driving
15 privilege laws, or state laws prohibiting driving while under the in-
16 fluence of alcohol, drugs or any other intoxicating substances, shall
17 be apportioned ten percent (10%) to the state treasurer of which eighty-
18 six percent (86%) shall be deposited to the state general fund and four-
19 teen percent (14%) shall be deposited to the peace officers standards
20 and training fund authorized in section 19-5116, Idaho Code, and ninety
21 percent (90%) to the district court fund of the county in which the vio-
22 lation occurred.

23 (e) Fines and forfeitures remitted for violation of county ordinances
24 shall be apportioned ten percent (10%) to the state treasurer of which
25 eighty-six percent (86%) shall be deposited to the state general fund
26 and fourteen percent (14%) shall be deposited to the peace officers
27 standards and training fund authorized in section 19-5116, Idaho Code,
28 and ninety percent (90%) to the district court fund of the county whose
29 ordinance was violated.

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

36 (g) Fines and forfeitures remitted for violations not specified in this
37 chapter shall be apportioned ten percent (10%) to the state treasurer
38 of which eighty-six percent (86%) shall be deposited to the state gen-
39 eral fund and fourteen percent (14%) shall be deposited to the peace of-
40 ficers standards and training fund authorized in section 19-5116, Idaho
41 Code, and ninety percent (90%) to the district court fund of the county
42 in which the violation occurred except in cases where a duly designated
43 officer of any city police department or city law enforcement official
44 shall have made the arrest for any such violation, in which case ninety
45 percent (90%) shall be apportioned to the city whose officer made the
46 arrest.

47 (h) Fines and forfeitures remitted for violations involving registra-
48 tions of motorcycles or motor-driven cycles used off highways, snowmo-
49 biles, or use of winter recreation parking areas shall be apportioned
50 ten percent (10%) to the state treasurer of which eighty-six percent

1 (86%) shall be deposited to the state general fund and fourteen percent
2 (14%) shall be deposited to the peace officers standards and training
3 fund authorized in section 19-5116, Idaho Code, and ninety percent
4 (90%) to the general fund of the county or city whose law enforcement
5 official issued the citation.

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

9 (2) Any fine or forfeiture remitted for any misdemeanor violation for
10 which an increase in the maximum fine became effective on or after July 1,
11 2005, shall be apportioned as follows:

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

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

21 (3) As used in this section, the term "city law enforcement official"
22 shall include an official of any governmental agency which is providing law
23 enforcement services to a city in accordance with the terms of a contract or
24 agreement, when such official makes the arrest or issues a citation within
25 the geographical limits of the city and when the contract or agreement pro-
26 vides for payment to the city of fines and forfeitures resulting from such
27 service.