

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 176

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO FINES AND FORFEITURES; AMENDING SECTION 19-4705, IDAHO CODE, TO
REVISE A PROVISION REGARDING THE AMOUNT REMITTED FROM CERTAIN FINES AND
FORFEITURES.

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

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

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

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are hereby repealed to the extent such laws are inconsistent with the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

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

(c) Fines and forfeitures remitted for violations of state motor ve-
hicle laws, for violation of state driving privilege laws, and for
violation of state laws prohibiting driving while under the influence
of alcohol, drugs or any other intoxicating substances, shall be ap-
portioned ten percent (10%) to the state treasurer of which eighty-six
percent (86%) shall be deposited to the state general fund and fourteen
percent (14%) shall be deposited to the peace officers standards and
training fund authorized in section 19-5116, Idaho Code, forty-five
percent (45%) to the state treasurer for deposit in the highway distri-
bution account, ~~twenty-two and one-half~~ and forty-five percent (22 1/2
45%) to the district court fund and ~~twenty-two and one-half percent~~
~~(22 1/2%) to the state treasurer for deposit in the public school in-~~
~~come fund;~~ provided, however, that fines and forfeitures remitted for
violation of state motor vehicle laws, for violation of state driving
privilege laws, and for violation of state laws prohibiting driving
while under the influence of alcohol, drugs or any other intoxicating

1 substances, where an arrest is made or a citation is issued by a city
2 law enforcement official, or by a law enforcement official of a govern-
3 mental agency under contract to provide law enforcement services for a
4 city, shall be apportioned ten percent (10%) to the state treasurer of
5 which eighty-six percent (86%) shall be deposited to the state general
6 fund and fourteen percent (14%) shall be deposited to the peace officers
7 standards and training fund authorized in section 19-5116, Idaho Code,
8 and ninety percent (90%) to the city whose officer made the arrest or
9 issued the citation.

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

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

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

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

44 (h) Fines and forfeitures remitted for violations involving registra-
45 tions of motorcycles or motor-driven cycles used off highways, snowmo-
46 biles, or use of winter recreation parking areas shall be apportioned
47 ten percent (10%) to the state treasurer of which eighty-six percent
48 (86%) shall be deposited to the state general fund and fourteen percent
49 (14%) shall be deposited to the peace officers standards and training
50 fund authorized in section 19-5116, Idaho Code, and ninety percent

1 (90%) to the general fund of the county or city whose law enforcement
2 official issued the citation.

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

6 (2) Any fine or forfeiture remitted for any misdemeanor violation for
7 which an increase in the maximum fine became effective on or after July 1,
8 2005, shall be apportioned as follows:

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

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

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