

STATEMENT OF PURPOSE

RS24992

This is one of the bills that the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the law as required under article V, section 25 of the Idaho Constitution. I.C. § 19-2604 permits some defendants to have their convictions or pleas or findings of guilt set aside if certain conditions are met. The wording of the statute leaves it somewhat unclear whether a defendant in a misdemeanor case who has been sentenced to a jail term, with a portion of the jail term suspended, would be eligible for this relief. This bill would clarify that when any portion of the sentence of a defendant in a misdemeanor case has been suspended, the defendant could later ask the court for relief if the requisite conditions are met.

FISCAL NOTE

This bill would have no fiscal impact because it only clarifies the statute and does not change existing practice.

Contact:

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).