

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 552

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO PROBATION; AMENDING SECTION 31-3201D, IDAHO CODE, TO REVISE PROVISIONS REGARDING PAYMENT AND DEPOSIT OF COUNTY MISDEMEANOR PROBATION SUPERVISION FEES AND TO PROVIDE FOR THE REPORTING OF CERTAIN PAYMENTS.

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

SECTION 1. That Section 31-3201D, Idaho Code, be, and the same is hereby amended to read as follows:

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 misdemeanor probation supervision 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 or to the board of county commissioners of the county providing the supervision, or its designee, after a resolution is duly adopted by the board of county commissioners authorizing payment under this subsection. The first one dollar (\$1.00) of each monthly payment shall be paid 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 or the board of county commissioners, or its designee, 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. If payments are made to the board of county commissioners or its designee rather than to the clerk of the district court, the board of county commissioners or its designee shall report payments received from persons under supervised probation to the clerk of the district court or such other person as the supreme court may designate.

1 (3) This section shall not restrict the court from ordering the payment
2 of other costs and fees that, by law, may be imposed on persons who have been
3 found guilty of or have pled guilty to a criminal offense, including those
4 who have been placed on probation or parole.