

IN THE SENATE

SENATE BILL NO. 1034

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO COURT FEES; AMENDING SECTION 1-2003, IDAHO CODE, TO REVISE A
2 DEADLINE FOR THE TRANSMISSION OF CERTAIN COURT FEES, TO REMOVE OBSOLETE
3 LANGUAGE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 1-2303,
4 IDAHO CODE, TO REVISE A DEADLINE FOR THE TRANSMISSION OF CERTAIN COURT
5 FEES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 1-2311, IDAHO
6 CODE, TO REVISE A DEADLINE FOR THE TRANSMISSION OF CERTAIN COURT FEES
7 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 10-1305, IDAHO
8 CODE, TO REVISE A DEADLINE FOR THE TRANSMISSION OF CERTAIN COURT FEES;
9 AMENDING SECTION 31-3201B, IDAHO CODE, TO REVISE A DEADLINE FOR THE
10 TRANSMISSION OF CERTAIN COURT FEES; AMENDING SECTION 31-3201H, IDAHO
11 CODE, TO REVISE A DEADLINE FOR THE TRANSMISSION OF CERTAIN COURT FEES
12 AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3204, IDAHO
13 CODE, TO REVISE A DEADLINE FOR THE TRANSMISSION OF CERTAIN COURT FEES;
14 AMENDING SECTION 32-1410, IDAHO CODE, TO REVISE A DEADLINE FOR THE
15 TRANSMISSION OF CERTAIN COURT FEES AND TO MAKE TECHNICAL CORRECTIONS;
16 AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
17

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

19 SECTION 1. That Section 1-2003, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 1-2003. ADDITIONAL FEES IN CIVIL ACTIONS AND APPEALS. ~~(a)~~ (1) In ad-
22 dition to the fees and charges to be collected by the clerks of the district
23 courts of the state and by other persons authorized by rule or administrative
24 order of the supreme court as now or hereafter provided by law, such clerks
25 and authorized persons are directed to charge and collect the additional sum
26 of twenty-six dollars (\$26.00) for filing a civil case or proceeding of any
27 type in the district court or magistrate's division of the district court,
28 including cases involving the administration of decedents' estates, whether
29 testate or intestate, conservatorships of the person or of the estate or
30 both, and guardianships of the person or of the estate or both, except that no
31 fee shall be charged or collected for filing a proceeding under the summary
32 administration procedure for small estates, part 12, chapter 3, title 15,
33 Idaho Code. The additional sum of twenty-six dollars (\$26.00) shall also
34 be collected from any party, except the plaintiff, making an appearance in
35 any civil action in the district court, but such twenty-six ~~dollars~~ dollar
36 (\$26.00) fee shall not be collected from the person making an appearance in
37 civil actions filed in the small claims departments of the district court.

38 ~~(b)~~ (2) The sum of twenty-six dollars (\$26.00) shall also be collected:

39 ~~(1)~~ (a) From an intervenor in an action;

40 ~~(2)~~ (b) From a party who files a third-party claim;

41 ~~(3)~~ (c) From a party who files a cross claim;

1 ~~(4)~~ (d) From a party appealing from the magistrate's division of the
2 district court to the district court;

3 ~~(5)~~ (e) From a party appealing the decision of any commission, board or
4 body to the district court.

5 ~~(e)~~ (3) The clerk of the supreme court is authorized and directed to
6 charge and collect, in addition to the fees now prescribed by law and as a
7 part of the cost of filing the transcript on appeal in any civil case or pro-
8 ceeding, other than criminal, appealed to the supreme court, the additional
9 sum of twenty-six dollars (\$26.00); for filing a petition for rehearing, the
10 additional sum of eighteen dollars (\$18.00); for filing an application for
11 any writ for which a fee is now prescribed, the additional sum of eighteen
12 dollars (\$18.00); for filing appeals from the industrial commission, the ad-
13 ditional sum of thirteen dollars (\$13.00).

14 ~~(d)~~ (4) The clerks of the district courts, persons authorized by rule
15 or administrative order of the supreme court and the clerk of the supreme
16 court are directed and required to remit all additional charges and fees
17 authorized by this section and collected during a calendar month, to the
18 state treasurer within ~~five~~ fifteen (15) days after the end of the month
19 in which such fees were collected. ~~Prior to the effective date of section~~
20 ~~1-2004A, Idaho Code, the state treasurer shall place all such sums in the~~
21 ~~judges' retirement fund. On and after the effective date of section 1-2004A,~~
22 ~~Idaho Code, the~~ The state treasurer shall place all such sums in the state
23 general fund.

24 SECTION 2. That Section 1-2303, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 1-2303. FILING OF CLAIM -- DEFAULT. (1) Upon filing a claim, the clerk
27 shall furnish to the plaintiff a form of answer and instructions to the de-
28 fendant, which among other matters shall advise the defendant that if the
29 defendant desires to have a hearing on the matter, the defendant must sign,
30 complete and file the answer with the clerk. The instructions also shall no-
31 tify the defendant that if the defendant does not sign and file the answer
32 within twenty-one (21) days from the date of service on the defendant, judg-
33 ment will be entered as requested in the claim.

34 (2) If no answer is filed within twenty-one (21) days, judgment may be
35 entered by the court as provided in Rule rule 55, I.R.C.P. If an answer is
36 filed by the defendant, the court shall set the matter for trial or mediation
37 by notice mailed to each party.

38 (3) The court shall collect in advance upon each claim the sum of
39 thirty-three dollars (\$33.00), which shall be in addition to the costs nec-
40 essary to effect service of the claim upon the defendant. This fee shall be
41 distributed as follows: seven dollars (\$7.00) shall be paid to the county
42 treasurer for deposit in the district court fund of the county; six dollars
43 (\$6.00) shall be paid to the county treasurer who shall, within ~~five~~ (5)
44 fifteen (15) days after the end of the month, pay such fee to the state trea-
45 surer for deposit in the senior magistrate judges fund; and twenty dollars
46 (\$20.00) shall be paid to the county treasurer who shall, within ~~five~~ (5)
47 fifteen (15) days after the end of the month, pay such fees to the state trea-
48 surer for deposit into the court technology fund.

1 SECTION 3. That Section 1-2311, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 1-2311. APPEAL TO LAWYER MAGISTRATE. If either party is dissatisfied,
4 he may, within thirty (30) days from the entry of said judgment against him,
5 appeal to a lawyer magistrate other than the magistrate who entered said
6 judgment; and if the final judgment is rendered against him by such lawyer
7 magistrate, then he shall pay, in addition to any judgment rendered in the
8 magistrate's division, an attorney's fee to the prevailing party in the sum
9 of twenty-five dollars (\$25.00), provided, however, that appeals from such
10 small claims department shall ~~only~~ be allowed only in such cases as appeals
11 would be allowed if the action were instituted in the magistrate's division
12 as is now provided, and further provided that the appeal shall be heard in the
13 county wherein the original small claim was filed. A fee of twenty dollars
14 (\$20.00) shall be paid by the party taking the appeal, which shall be paid to
15 the county treasurer who shall, within ~~five (5)~~ fifteen (15) days after the
16 end of the month, pay such fees to the state treasurer for deposit into the
17 court technology fund.

18 SECTION 4. That Section 10-1305, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 10-1305. FEES. Any person filing a foreign judgment shall pay to the
21 clerk of the court twenty-seven dollars (\$27.00). Seven dollars (\$7.00) of
22 such fee shall be paid to the county treasurer for deposit in the district
23 court fund of the county and twenty dollars (\$20.00) of such fee shall be
24 paid to the county treasurer who shall, within ~~five (5)~~ fifteen (15) days af-
25 ter the end of the month, pay such fees to the state treasurer for deposit
26 into the court technology fund. Fees for docketing, transcription or other
27 enforcement proceedings shall be as provided for judgments of the district
28 court of this state.

29 SECTION 5. That Section 31-3201B, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 31-3201B. PEACE OFFICERS STANDARDS AND TRAINING -- FEE. The court
32 shall charge a fee of fifteen dollars (\$15.00) for peace officers standards
33 and training purposes to be paid by each person found guilty of any felony
34 or misdemeanor, or found to have committed an infraction or any minor traf-
35 fic, conservation or ordinance violation, except for cars unlawfully left
36 or parked or when the court orders such fee waived because the person is
37 indigent and unable to pay such fee; provided, however, that the judge or
38 magistrate may in his discretion consolidate separate nonmoving traffic
39 offenses into one (1) offense for purposes of assessing such fee. Such fees
40 shall be in addition to all other fines and fees levied. Such fees shall be
41 paid to the county treasurer who shall, within ~~five (5)~~ fifteen (15) days
42 after the end of the month, pay such fees to the state treasurer for deposit
43 in the peace officers standards and training fund.

44 SECTION 6. That Section 31-3201H, Idaho Code, be, and the same is hereby
45 amended to read as follows:

1 31-3201H. SURCHARGE FEE. (1) The court shall charge a surcharge fee to
 2 be paid by each defendant for each criminal offense or infraction committed
 3 on or after April 15, 2010, for which the defendant is found or pleads guilty.
 4 Such fee shall be in addition to all other fines and fees levied.

5 (2) The amount of the surcharge fee shall be as follows:

6 (a) For each felony, the fee shall be one hundred dollars (\$100);

7 (b) For each misdemeanor, and for each infraction under section 18-8001
 8 or 49-301, Idaho Code, or each first-time infraction under section
 9 23-604 or 23-949, Idaho Code, the fee shall be fifty dollars (\$50.00);
 10 and

11 (c) For each infraction, except each infraction under section 18-8001
 12 or 49-301, Idaho Code, or each first-time infraction under section
 13 23-604 or 23-949, Idaho Code, the fee shall be ten dollars (\$10.00).

14 (3) The fee shall be collected by the clerk of the district court and
 15 shall be paid to the county treasurer, who shall, within ~~five (5)~~ fifteen
 16 (15) days after the end of the month, pay such fees to the state treasurer,
 17 who shall deposit eighty percent (80%) of such fees in the state general fund
 18 and twenty percent (20%) of such fees in the court technology fund created by
 19 section 1-1623, Idaho Code.

20 SECTION 7. That Section 31-3204, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 31-3204. VICTIM NOTIFICATION -- FEE. The court shall charge a fee of
 23 fifteen dollars (\$15.00) for victim notification purposes to be paid by each
 24 person found guilty of each felony, misdemeanor or infraction under section
 25 18-8001 or 49-301, Idaho Code, or first-time infraction under section 23-604
 26 or 23-949, Idaho Code, except when the court orders such fee waived because
 27 the person is indigent and unable to pay such fee. Such fee shall be in addi-
 28 tion to all other fines and fees levied. Such fee shall be paid to the county
 29 treasurer who shall, within ~~five (5)~~ fifteen (15) days after the end of the
 30 month, pay such fees to the state treasurer for deposit in the state victim
 31 notification fund established in section 67-2912, Idaho Code.

32 SECTION 8. That Section 32-1410, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 32-1410. DOMESTIC VIOLENCE COURT FEES. (1) Each person who is found
 35 guilty of or pleads guilty to any of the following alcohol-, substance abuse-
 36 or domestic violence-related offenses shall pay a thirty dollar (\$30.00) fee
 37 to be deposited in the statewide drug court, mental health court and family
 38 court services fund, as provided in section 1-1625, Idaho Code, to assist in
 39 funding the domestic violence courts:

40 (a) Section 18-918, Idaho Code (domestic violence);

41 (b) Section 18-920, Idaho Code (violation of no contact order);

42 (c) Section 18-923, Idaho Code (attempted strangulation);

43 (d) Section 18-1502, Idaho Code (beer, wine or other alcohol age viola-
 44 tions);

45 (e) Section 18-2510(3), Idaho Code (introduce, convey, possess, re-
 46 ceive, obtain or remove major contraband, except major contraband as
 47 defined in section 18-2510(5) (c) (ii), (iv) and (v), Idaho Code);

1 (f) Section 18-4006 ~~3-(3)~~(b), Idaho Code (vehicular manslaughter in
2 the commission of a violation of section 18-8004 or 18-8006, Idaho
3 Code);

4 (g) Section 18-5414, Idaho Code (intentionally making false state-
5 ments);

6 (h) Section 18-8004, Idaho Code (persons under the influence of alco-
7 hol, drugs or any other intoxicating substances);

8 (i) Section 18-8006, Idaho Code (aggravated driving while under the in-
9 fluence of alcohol, drugs or any other intoxicating substances);

10 (j) Section 23-312, Idaho Code (persons under twenty-one and intoxi-
11 cated persons -- inhibited sales);

12 (k) Section 23-505, Idaho Code (transportation of alcoholic bever-
13 ages);

14 (l) Section 23-602, Idaho Code (unlawful manufacture, traffic in,
15 transportation and possession of alcohol beverage);

16 (m) Section 23-603, Idaho Code (dispensing to minor);

17 (n) Section 23-604, Idaho Code (minors -- purchase, consumption or pos-
18 session prohibited);

19 (o) Section 23-605, Idaho Code (dispensing to drunk);

20 (p) Section 23-612, Idaho Code (beer, wine or other alcoholic beverages
21 on public school grounds);

22 (q) Section 23-615, Idaho Code (restrictions on sale);

23 (r) Section 23-949, Idaho Code (persons not allowed to purchase, pos-
24 sess, serve, dispense or consume beer, wine or other alcoholic liquor);

25 (s) Section 23-1013, Idaho Code (restrictions concerning age);

26 (t) Section 23-1024, Idaho Code (false representation as being twenty-
27 one or more years of age a misdemeanor);

28 (u) Section 23-1333, Idaho Code (open or unsealed containers of wine in
29 motor vehicles on highways prohibited);

30 (v) Section 23-1334, Idaho Code (minors -- authorization to deliver);

31 (w) Criminal violation of any of the provisions of chapter 27, title 37,
32 Idaho Code;

33 (x) Section 39-6312, Idaho Code (violation of order -- penalties);

34 (y) Section 67-7034, Idaho Code (persons under the influence of alco-
35 hol, drugs or any other intoxicating substances); and

36 (z) Section 67-7114, Idaho Code (operation under the influence of alco-
37 hol, drugs or any other intoxicating substance).

38 (2) The clerk of the district court shall collect the fees set forth in
39 subsection (1) of this section. The fees shall be paid over to the county
40 treasurer who shall, within ~~five (5)~~ fifteen (15) days after the end of the
41 month, pay such fees to the state treasurer for deposit into the drug court,
42 mental health court and family court services fund.

43 SECTION 9. An emergency existing therefor, which emergency is hereby
44 declared to exist, this act shall be in full force and effect on and after
45 July 1, 2023.