

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 494, As Amended in the Senate

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO ALCOHOL; AMENDING SECTION 18-1502, IDAHO CODE, TO PROVIDE THAT  
2 CERTAIN ALCOHOL AGE VIOLATIONS SHALL BE AN INFRACTION AND TO REVISE THE  
3 PENALTIES FOR A VIOLATION; AMENDING SECTION 20-505, IDAHO CODE, TO PRO-  
4 VIDE FOR CERTAIN JUVENILES TAKEN INTO CUSTODY; AMENDING SECTION 20-516,  
5 IDAHO CODE, TO PROVIDE FOR ALCOHOL AGE VIOLATIONS AND TO AUTHORIZE A  
6 PEACE OFFICER TO NOTIFY CERTAIN PERSONS; AMENDING SECTION 23-604, IDAHO  
7 CODE, TO PROVIDE THAT CERTAIN ALCOHOL VIOLATIONS BY A PERSON UNDER THE  
8 AGE OF TWENTY-ONE SHALL BE AN INFRACTION; AMENDING SECTION 23-949,  
9 IDAHO CODE, TO PROVIDE THAT CERTAIN VIOLATIONS BY A PERSON UNDER THE  
10 AGE OF TWENTY-ONE WHO SERVES OR DISPENSES ALCOHOL SHALL BE AN INFRAC-  
11 TION, TO REVISE A PROVISION REGARDING POSSESSION OF ALCOHOL, TO REVISE  
12 A PROVISION REGARDING PUNISHMENT AND TO MAKE A TECHNICAL CORRECTION;  
13 AMENDING SECTION 31-3201, IDAHO CODE, TO PROVIDE FOR CERTAIN FIRST-TIME  
14 INFRACTIONS; AMENDING SECTION 31-3201A, IDAHO CODE, TO PROVIDE FOR CER-  
15 TAIN FIRST-TIME INFRACTIONS; AMENDING SECTION 31-3201H, IDAHO CODE, TO  
16 PROVIDE FOR CERTAIN FIRST-TIME INFRACTIONS; AMENDING SECTION 31-3204,  
17 IDAHO CODE, TO PROVIDE FOR CERTAIN FIRST-TIME INFRACTIONS; AMENDING  
18 SECTION 72-1025, IDAHO CODE, TO PROVIDE FOR CERTAIN FIRST-TIME INFRAC-  
19 TIONS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 72-1105,  
20 IDAHO CODE, TO PROVIDE FOR CERTAIN FIRST-TIME INFRACTIONS.  
21

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

23 SECTION 1. That Section 18-1502, Idaho Code, be, and the same is hereby  
24 amended to read as follows:

25 18-1502. BEER, WINE OR OTHER ALCOHOL AGE VIOLATIONS -- FINES. (a)  
26 Except as provided in subsection (e) of this section, wWhenever a person is  
27 in violation, on the basis of his age, of any federal, state, or municipal law  
28 or ordinance pertaining to the use, possession, procurement, or attempted  
29 procurement, or dispensing of any beer, wine or other alcoholic beverage  
30 product, the violation shall constitute a misdemeanor.

31 (b) (1) Every person convicted of ~~a misdemeanor~~ an infraction under this  
32 section shall be punished by a fine of ~~not more than one thousand three~~  
33 hundred dollars (\$1,0300).

34 (2) ~~The second conviction~~ Every person convicted of a misdemeanor un-  
35 der this section shall be punished by a fine of not more than two thou-  
36 sand dollars (\$2,000), or up to thirty (30) days in jail or both. The  
37 third and subsequent conviction under this section shall be punished by  
38 a fine of not more than three thousand dollars (\$3,000), or up to sixty  
39 (60) days in jail or both.

40 (c) A conviction under this section shall not be used or considered in  
41 any manner for purposes of motor vehicle insurance.

1 (d) Whenever a person pleads guilty or is found guilty of violating any  
 2 law pertaining to the possession, use, procurement, attempted procurement  
 3 or dispensing of any beer, wine, or other alcoholic beverage, and such per-  
 4 son was under twenty-one (21) years of age at the time of such violation, then  
 5 in addition to the ~~penalty~~ penalties provided in subsection (b) of this sec-  
 6 tion:

7 (1) Upon a misdemeanor conviction, tThe court shall suspend the per-  
 8 son's driving privileges for a period of not more than one (1) year. The  
 9 person may request restricted driving privileges during the period of  
 10 suspension, which the court may allow, if the person shows by a prepon-  
 11 derance of the evidence that driving privileges are necessary as deemed  
 12 appropriate by the court.

13 (2) If the person's driving privileges have been previously suspended  
 14 under this section, the court shall suspend the person's driving privi-  
 15 leges for a period of not more than two (2) years. The person may re-  
 16 quest restricted driving privileges during the period of suspension,  
 17 which the court may allow, if the person shows by a preponderance of the  
 18 evidence that driving privileges are necessary as deemed appropriate by  
 19 the court.

20 (3) The person shall surrender his license or permit to the court.

21 (4) The court shall notify the motor vehicle division of the Idaho  
 22 transportation department of all orders of suspension it issues pur-  
 23 suant to this section.

24 (5) The court, in its discretion, may also order the person to undergo  
 25 and complete an alcohol evaluation and to complete an alcohol treatment  
 26 or education program in the same manner that persons sentenced pursuant  
 27 to section 18-8005, Idaho Code, are required to undergo and complete.

28 (e) (1) For the purposes of alcohol age violations under this section,  
 29 the following violations shall constitute infractions:

30 (i) A first violation of section 23-604, Idaho Code;

31 (ii) A first violation of section 23-949, Idaho Code; and

32 (iii) A first violation of section 23-505(1) and (2), Idaho Code,  
 33 when an individual is not in actual physical control of the vehi-  
 34 cle.

35 (2) Violations under this subsection that occur following the effec-  
 36 tive date of this act that constitute misdemeanors under subsection  
 37 (b) (2) of this section, shall begin as a first misdemeanor.

38 SECTION 2. That Section 20-505, Idaho Code, be, and the same is hereby  
 39 amended to read as follows:

40 20-505. JURISDICTION. Subject to the prior jurisdiction of the United  
 41 States, the court shall have exclusive, original jurisdiction over any juve-  
 42 nile and over any adult who was a juvenile at the time of any act, omission or  
 43 status, in the county in which the juvenile resides, or in the county in which  
 44 the act, omission or status allegedly took place, in the following cases:

45 (1) Where the act, omission or status occurs in the state of Idaho and is  
 46 prohibited by federal, state, local or municipal law or ordinance by reason  
 47 of minority only;

1 (2) Where the act or omission occurs in the state of Idaho and is a vio-  
2 lation of any federal, state, local or municipal law or ordinance which would  
3 be a crime if committed by an adult;

4 (3) Concerning any juvenile where the juvenile comes under the purview  
5 of the interstate compact for juveniles as set forth in chapter 19, title 16,  
6 Idaho Code;

7 (4) This chapter shall not apply to juvenile violators of beer, wine or  
8 other alcohol and tobacco laws; except that a juvenile violator under the age  
9 of eighteen (18) years at the time of the violation may, at the discretion  
10 of the court, be treated under the provisions of this chapter, provided that  
11 a juvenile taken into custody pursuant to section 20-516(1) (c), Idaho Code,  
12 for an alcohol age infraction under section 18-1502(e), Idaho Code, shall be  
13 treated within the provisions of this chapter;

14 (5) This chapter shall not apply to the juvenile offenders who are  
15 transferred for criminal prosecution as an adult, as provided in this chap-  
16 ter;

17 (6) This chapter shall not apply to juvenile violators of traffic, wa-  
18 tercraft, fish and game, failure to obey a misdemeanor citation and criminal  
19 contempt laws; except that a juvenile violator under the age of eighteen (18)  
20 years at the time of such violation may, at the discretion of the court, be  
21 treated under the provisions of this chapter;

22 (7) This chapter shall not apply to juvenile sex offenders who violate  
23 the provisions of section 18-8414, Idaho Code.

24 SECTION 3. That Section 20-516, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 20-516. APPREHENSION AND RELEASE OF JUVENILES -- DETENTION. (1) A  
27 peace officer may take a juvenile into custody, or a private citizen may  
28 detain a juvenile until the juvenile can be delivered forthwith into the  
29 custody of a peace officer, without order of the court:

30 (a) When he has reasonable cause to believe that the juvenile has com-  
31 mitted an act which would be a misdemeanor or felony if committed by an  
32 adult; or

33 (b) When in the presence of a peace officer or private citizen the ju-  
34 venile has violated any local, state or federal law or municipal ordi-  
35 nance; or

36 (c) When there are reasonable grounds to believe the juvenile has com-  
37 mitted a status offense. Status offenses are truancy, running away from  
38 or being beyond the control of parents, guardian, or legal custodian,  
39 alcohol age violations under section 18-1502(e), Idaho Code, and curfew  
40 violations. Status offenders shall not be placed in any jail facility  
41 but instead may be placed in juvenile shelter care facilities, except  
42 in the case of runaways, when there is a specific detention request from  
43 a foreign jurisdiction to hold the juvenile pending transportation ar-  
44 rangements, and a peace officer may, in his discretion, notify the par-  
45 ent, guardian or legal custodian. In the event of an alcohol age in-  
46 fraction under section 18-1502(e), Idaho Code, the status offense under  
47 this section shall be in addition to the infraction.

48 (2) A peace officer may take a juvenile into custody upon a written or-  
49 der or warrant signed by a judge. The judge may issue the order or warrant af-

1 ter finding that there is reasonable cause to believe that the juvenile comes  
2 within the purview of this chapter. Such taking into custody shall not be  
3 deemed an arrest. Jurisdiction of the court shall attach from the time the  
4 juvenile is taken into custody. When an officer takes a juvenile into cus-  
5 tody, he shall notify the parent, guardian or custodian of the juvenile as  
6 soon as possible. Unless otherwise ordered by the court, or unless it ap-  
7 pears to the officer taking the juvenile into custody that it is contrary to  
8 the welfare of society or the juvenile, such juvenile shall be released to  
9 the custody of his parent or other responsible adult upon written promise,  
10 signed by such person, to bring the juvenile to the court at a stated time.  
11 Such written promise shall be submitted to the court as soon as possible. If  
12 such person shall fail to produce the juvenile as agreed, or upon notice from  
13 the court, a summons for such person may be issued by the court and a warrant  
14 may be issued for apprehension of the juvenile.

15 (3) A juvenile taken into custody may be fingerprinted and pho-  
16 tographed. Any fingerprints and photographs taken shall be forwarded as  
17 provided in subsection (8) of this section. If the court finds good cause it  
18 may order any fingerprints and photographs expunged.

19 (4) When a juvenile is not released he shall be taken forthwith to the  
20 court or place of detention specified by the court and then not later than  
21 twenty-four (24) hours, excluding Saturdays, Sundays and holidays, shall be  
22 brought before the court for a detention hearing to determine where the ju-  
23 venile will be placed until the next hearing. Status offenders shall not be  
24 placed in any jail facility, but instead may be placed in juvenile shelter  
25 care facilities.

26 Placements may include, but are not limited to, the following:

- 27 (a) Parents of the juvenile;
- 28 (b) Relatives of the juvenile;
- 29 (c) Foster care;
- 30 (d) Group care;
- 31 (e) A juvenile detention center; or
- 32 (f) Community-based diversion programs.

33 (5) The person in charge of a detention center shall give immediate no-  
34 tice to the court that the juvenile is in his custody.

35 (6) No juvenile shall be held in detention longer than twenty-four (24)  
36 hours, exclusive of Saturdays, Sundays and holidays, unless a petition has  
37 been filed and the court has signed the detention order.

38 (7) As soon as a juvenile is detained by court order, his parents,  
39 guardian or legal custodian shall be informed by notice in writing on forms  
40 prescribed by the court that they may have a prompt hearing regarding release  
41 or detention.

42 (8) A juvenile taken into detention for an offense shall be finger-  
43 printed and photographed. Fingerprints and photographs taken of juveniles  
44 shall be forwarded to the appropriate law enforcement agency and filed with  
45 the bureau of criminal identification of the Idaho state police which shall  
46 create a juvenile offender fingerprint file and enter the fingerprint data  
47 into the automated fingerprint identification system. If the court finds  
48 good cause it may order the fingerprints and photographs of the juvenile  
49 offender expunged.

1 (9) Peace officers' records of juveniles shall be kept separate from  
2 records of adults and shall be subject to disclosure according to chapter 1,  
3 title 74, Idaho Code.

4 SECTION 4. That Section 23-604, Idaho Code, be, and the same is hereby  
5 amended to read as follows:

6 23-604. MINORS -- PURCHASE, CONSUMPTION OR POSSESSION PROHIBITED. Any  
7 person under twenty-one (21) years of age who shall purchase, attempt to  
8 purchase, or otherwise consume or possess any alcohol beverage, including  
9 any distilled spirits, beer or wine, shall be guilty of an infraction upon a  
10 first violation and shall be guilty of a misdemeanor upon a subsequent con-  
11 viction and shall be punished according to the schedule set out in section  
12 18-1502, Idaho Code.

13 SECTION 5. That Section 23-949, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 23-949. PERSONS NOT ALLOWED TO ~~PURCHASE, POSSESS~~ SELL, ~~SERVE, OR DIS-~~  
16 ~~PENSE, OR CONSUME~~ BEER, WINE OR OTHER ALCOHOLIC LIQUOR. It is unlawful for  
17 any person under the age of twenty-one (21) years to ~~purchase, attempt to~~  
18 ~~purchase, possess~~ sell, ~~serve, or~~ dispense, ~~or consume~~ beer, wine or other  
19 alcoholic liquor; provided, however, that any person who is nineteen (19)  
20 years of age or older may sell, serve, ~~possess~~ and dispense liquor, beer  
21 or wine in the course of his employment in any place as defined in section  
22 23-942, Idaho Code, or other place where liquor, beer or wine ~~are~~ is lawfully  
23 present so long as such place is the place of employment for such person under  
24 twenty-one (21) years of age.

25 For purposes of this section, a person who sells, serves or dispenses  
26 liquor, beer or wine in compliance with the provisions of this section shall  
27 also not be deemed to "possess" alcohol that has been consumed by the person,  
28 without regard to the place of consumption in violation of section 23-604,  
29 Idaho Code.

30 Any person violating the provisions of this section shall be guilty ~~of~~  
31 ~~a misdemeanor punishable~~ and punished in accordance with ~~the schedule set~~  
32 ~~forth in~~ section 18-1502, Idaho Code.

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

35 31-3201. CLERK OF DISTRICT COURT -- FEES. (1) The clerk of the district  
36 court shall lawfully charge, demand and receive the following fees for ser-  
37 vices rendered by him in discharging the duties imposed upon him by law:

- 38 For filing and docketing abstract or transcript of judgment from an-
- 39 other court .....\$2.00
- 40 For issuing execution upon an abstract or transcript of judgment and
- 41 filing same on return .....\$2.00
- 42 For recording execution issued upon abstract or transcript of judgment,
- 43 per page .....\$2.00
- 44 For taking affidavits, including jurat .....\$1.00
- 45 For taking acknowledgments, including seal .....\$1.00

1 For filing and indexing designation of agent of foreign corporation ...  
2 .....\$2.00  
3 For filing and indexing notarial statement .....\$2.00  
4 For making copy of any file or record, by the clerk, the clerk shall  
5 charge and receive, per page .....\$1.00  
6 For comparing and conforming a prepared copy of any file or record, the  
7 clerk shall charge and receive, per page ..... \$ .50  
8 For certifying the same an additional fee for certificate and seal ....  
9 .....\$1.00  
10 For all services not herein enumerated, and of him lawfully required,  
11 the clerk of the district court shall demand and receive such fees as are  
12 herein allowed for similar services.

13 (2) All fees collected under the provisions of this section shall be  
14 paid over to the county treasurer, at the same time and in the same manner as  
15 other fees.

16 (3) In addition to all other fines, forfeitures and costs levied by the  
17 court, the clerk of the district court shall collect ten dollars (\$10.00) as  
18 an administrative surcharge fee on each criminal case, including a first-  
19 time infraction under section 23-604 or 23-949, Idaho Code, and five dollars  
20 (\$5.00) on each other infractions to be paid over to the county treasurer at  
21 the same time and in the same manner as other fees, for the support of the  
22 county justice fund, or the current expense fund if no county justice fund  
23 has been established, and shall collect ten dollars (\$10.00) as an adminis-  
24 trative surcharge fee on each civil case, including each appeal, to be paid  
25 over to the county treasurer for the support of the county court facilities  
26 fund, or to the district court fund if no county court facilities fund has  
27 been established.

28 (4) Provided further, an additional handling fee of two dollars (\$2.00)  
29 shall be imposed on each monthly installment of criminal or infraction  
30 fines, forfeitures, and other costs paid on a monthly basis.

31 (5) Provided further, in addition to all other fines, forfeitures and  
32 costs levied by the court, the clerk of the district court shall collect ten  
33 dollars (\$10.00) as a court technology fee on each criminal and infraction  
34 offense to be paid over to the county treasurer who shall, within five (5)  
35 days after the end of the month, pay such fee to the state treasurer for de-  
36 posit into the court technology fund.

37 SECTION 7. That Section 31-3201A, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 31-3201A. COURT FEES. The clerk of the district court in addition to  
40 the fees and charges imposed by chapter 20, title 1, Idaho Code, and by sec-  
41 tion 31-3201, Idaho Code, and in addition to the fee levied by chapter 2, ti-  
42 tle 73, Idaho Code, shall charge, demand and receive the following fees for  
43 services rendered by him in discharging the duties imposed upon him by law:

44 (1) Civil cases. A fee of one hundred seventy-five dollars (\$175) for  
45 filing a civil case of any type in the district court, except for those cases  
46 to be assigned to the magistrate's division of the district court for which  
47 the fee shall be one hundred twenty dollars (\$120), with the following excep-  
48 tions:

1 (a) The fee for small claims shall be as provided in section 1-2303,  
2 Idaho Code;

3 (b) No filing fee shall be charged in the following types of cases:

4 (i) Cases brought under chapter 3, title 66, Idaho Code, for com-  
5 mitment of mentally ill persons;

6 (ii) Cases brought under the juvenile corrections act;

7 (iii) Cases brought under the child protective act;

8 (iv) Demands for bond before a personal representative is ap-  
9 pointed in probate;

10 (v) Petitions for sterilization;

11 (vi) Petitions for judicial consent to abortion;

12 (vii) Registration of trusts and renunciations;

13 (viii) Petitions for leave to compromise the disputed claim of a  
14 minor;

15 (ix) Petitions for a civil protection order or to enforce a for-  
16 eign civil protection order pursuant to chapter 63, title 39,  
17 Idaho Code;

18 (x) Objections to the appointment of a guardian filed by a minor  
19 or an incapacitated person;

20 (xi) Proceedings to suspend a license for nonpayment of child  
21 support pursuant to section 7-1405, Idaho Code;

22 (xii) Proceedings under the uniform post-conviction procedure  
23 act as provided in chapter 49, title 19, Idaho Code;

24 (xiii) Filings of a custody decree from another state;

25 (xiv) Filings of any answer after an initial appearance fee has  
26 been paid.

27 The filing fee shall be distributed as follows: seventeen dollars (\$17.00)  
28 of such filing fee shall be paid to the county treasurer for deposit in the  
29 district court fund of the county; one hundred thirty-five dollars (\$135)  
30 of such filing fee, or in a case assigned to the magistrate division of the  
31 district court eighty dollars (\$80.00) of such filing fee, shall be paid to  
32 the county treasurer who shall, within five (5) days after the end of the  
33 month, pay such fees to the state treasurer for deposit into the court tech-  
34 nology fund; seventeen dollars (\$17.00) of such filing fee shall be paid to  
35 the county treasurer who shall pay such fees to the state treasurer for de-  
36 posit in accordance with subsection (15) of this section; and six dollars  
37 (\$6.00) of such filing fee shall be paid to the county treasurer who shall,  
38 within five (5) days after the end of the month, pay such fees to the state  
39 treasurer for deposit in the senior magistrate judges fund.

40 (2) Felonies and misdemeanors. A fee of seventeen dollars and fifty  
41 cents (\$17.50) shall be paid, but not in advance, by each person found guilty  
42 of any felony or misdemeanor, except when the court orders such fee waived  
43 because the person is indigent and unable to pay such fee. If the magistrate  
44 court facilities are provided by the county, five dollars (\$5.00) of such fee  
45 shall be paid to the county treasurer for deposit in the district court fund  
46 of the county; and twelve dollars and fifty cents (\$12.50) of such fee shall  
47 be paid to the county treasurer who shall pay such fees to the state treasurer  
48 for deposit in accordance with subsection (15) of this section. If the mag-  
49 istrate court facilities are provided by a city, five dollars (\$5.00) of such  
50 fee shall be paid to the city treasurer for deposit in the city general fund,

1 two dollars and fifty cents (\$2.50) of such fee shall be paid to the city  
2 treasurer for deposit in the city capital facilities fund for the construc-  
3 tion, remodeling and support of magistrate court facilities, and ten dollars  
4 (\$10.00) of such fee shall be paid to the county treasurer who shall pay such  
5 fees to the state treasurer for deposit in accordance with subsection (15) of  
6 this section.

7 (3) Infractions. A fee of sixteen dollars and fifty cents (\$16.50)  
8 shall be paid, but not in advance, by each person found to have committed an  
9 infraction or any minor traffic, conservation or ordinance violation, and  
10 a fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not  
11 in advance, by each person found to have committed a first-time infraction  
12 under section 23-604 or 23-949, Idaho Code, and distributed pursuant to  
13 subsection (2) of this section; provided that the judge or magistrate may  
14 in his or her discretion consolidate separate nonmoving traffic offenses  
15 into one (1) offense for purposes of assessing such fee. If the magistrate  
16 court facilities are provided by the county, five dollars (\$5.00) of such  
17 fee shall be paid to the county treasurer for deposit in the district court  
18 fund of the county; and eleven dollars and fifty cents (\$11.50) of such fee  
19 shall be paid to the county treasurer, who shall pay such fees to the state  
20 treasurer for deposit in accordance with subsection (15) of this section. If  
21 the magistrate court facilities are provided by a city, five dollars (\$5.00)  
22 of such fee shall be paid to the city treasurer for deposit in the city gen-  
23 eral fund, two dollars and fifty cents (\$2.50) of such fee shall be paid to  
24 the city treasurer for deposit in the city capital facilities fund for the  
25 construction, remodeling and support of magistrate court facilities, and  
26 nine dollars (\$9.00) of such fee shall be paid to the county treasurer who  
27 shall pay such fees to the state treasurer for deposit in accordance with  
28 subsection (15) of this section.

29 (4) Initial appearance other than plaintiff. A fee of one hundred dol-  
30 lars (\$100) shall be paid for any filing constituting the initial appearance  
31 by a party, except the plaintiff, in any civil action in the district court  
32 or in the magistrate's division of the district court, except small claims.  
33 If two (2) or more parties are making their initial appearance in the same  
34 filing, then only one (1) filing fee shall be collected. Of such fee, four  
35 dollars (\$4.00) shall be paid to the county treasurer for deposit in the dis-  
36 trict court fund of the county; eighty dollars (\$80.00) of such fee shall be  
37 paid to the county treasurer who shall, within five (5) days after the end  
38 of the month, pay such fees to the state treasurer for deposit into the court  
39 technology fund; ten dollars (\$10.00) of such fee shall be paid to the county  
40 treasurer who shall pay such fees to the state treasurer for deposit in ac-  
41 cordance with subsection (15) of this section; and six dollars (\$6.00) of  
42 such fee shall be paid to the county treasurer who shall, within five (5) days  
43 after the end of the month, pay such fees to the state treasurer for deposit  
44 in the senior magistrate judges fund.

45 (5) Accountings. A fee of nine dollars (\$9.00) shall be paid by the per-  
46 son or persons required to make an account pursuant to title 15, Idaho Code,  
47 at the time such account is filed. All of such fee shall be paid to the county  
48 treasurer for deposit in the district court fund of the county.

49 (6) Distribution of estate. A fee of twenty-five dollars (\$25.00)  
50 shall be paid upon the filing of a petition of the executor or administrator



1 or of any person interested in an estate for the distribution of such estate,  
2 six dollars (\$6.00) of such fee shall be paid to the county treasurer for  
3 deposit in the district court fund of the county; thirteen dollars (\$13.00)  
4 of such fee shall be paid to the county treasurer who shall pay such fees to  
5 the state treasurer for deposit in accordance with subsection (15) of this  
6 section; and six dollars (\$6.00) of such fee shall be paid to the county  
7 treasurer who shall, within five (5) days after the end of the month, pay such  
8 fees to the state treasurer for deposit in the senior magistrate judges fund.

9 (7) Third party claim. A fee of fourteen dollars (\$14.00) shall be paid  
10 by a party filing a third party claim as defined in the Idaho rules of civil  
11 procedure. Eight dollars (\$8.00) of such fee shall be paid to the county  
12 treasurer for deposit in the district court fund of the county; and six dol-  
13 lars (\$6.00) of such fee shall be paid to the county treasurer who shall,  
14 within five (5) days after the end of the month, pay such fees to the state  
15 treasurer for deposit in the senior magistrate judges fund.

16 (8) Cross-claims. A fee of fourteen dollars (\$14.00) shall be paid by  
17 any party filing a cross-claim. Eight dollars (\$8.00) of such fee shall be  
18 paid to the county treasurer for deposit in the district court fund of the  
19 county; and six dollars (\$6.00) of such fee shall be paid to the county trea-  
20 surer who shall, within five (5) days after the end of the month, pay such  
21 fees to the state treasurer for deposit in the senior magistrate judges fund.

22 (9) Change of venue. A fee of twenty-nine dollars (\$29.00) shall be  
23 paid by a party initiating a change of venue. Such fee shall be paid to the  
24 clerk of the court of the county to which venue is changed. Nine dollars  
25 (\$9.00) of such fee shall be paid to the county treasurer for deposit in the  
26 district court fund of the county and twenty dollars (\$20.00) of such fee  
27 shall be paid to the county treasurer who shall, within five (5) days after  
28 the end of the month, pay such fees to the state treasurer for deposit into  
29 the court technology fund.

30 (10) Reopening a case.

31 (a) A fee of eighty-five dollars (\$85.00) shall be paid by any party  
32 appearing after judgment or applying to reopen a case. Nine dollars  
33 (\$9.00) of such fee shall be paid to the county treasurer for deposit  
34 in the district court fund of the county; six dollars (\$6.00) of such  
35 fee shall be paid to the county treasurer who shall, within five (5)  
36 days after the end of the month, pay such fees to the state treasurer  
37 for deposit in the senior magistrate judges fund; and seventy dollars  
38 (\$70.00) of such fee shall be paid to the county treasurer who shall,  
39 within five (5) days after the end of the month, pay such fees to the  
40 state treasurer for deposit into the court technology fund.

41 (b) A fee of one hundred eight dollars (\$108) shall be paid by a party  
42 applying to reopen a divorce action or modify a divorce decree, with  
43 seventeen dollars (\$17.00) of the fee to be paid to the county treasurer  
44 for deposit in the district court fund of the county; fifteen dollars  
45 (\$15.00) of such fee to be paid to the county treasurer who shall pay  
46 such fees to the state treasurer for deposit in accordance with subsec-  
47 tion (15) of this section; six dollars (\$6.00) of such fee to be paid to  
48 the county treasurer who shall, within five (5) days after the end of the  
49 month, pay such fees to the state treasurer for deposit in the senior  
50 magistrate judges fund; and seventy dollars (\$70.00) of such fee shall

1 be paid to the county treasurer who shall, within five (5) days after the  
2 end of the month, pay such fees to the state treasurer for deposit into  
3 the court technology fund.

4 (c) When the application to reopen a case consists only of a motion or  
5 other pleading to revive or renew a judgment, a fee of twenty-nine dol-  
6 lars (\$29.00) shall be paid by the party filing the motion or pleading.  
7 Nine dollars (\$9.00) of such fee shall be paid to the county treasurer  
8 for deposit in the district court fund of the county and twenty dollars  
9 (\$20.00) of such fee shall be paid to the county treasurer who shall,  
10 within five (5) days after the end of the month, pay such fees to the  
11 state treasurer for deposit into the court technology fund.

12 (11) Appeal to district court. A fee of thirty-five dollars (\$35.00)  
13 shall be paid by a party taking an appeal from the magistrate's division of  
14 the district court to the district court; nine dollars (\$9.00) of such fee  
15 shall be paid to the county treasurer for deposit in the district court fund  
16 of the county; six dollars (\$6.00) of such fee shall be paid to the county  
17 treasurer who shall, within five (5) days after the end of the month, pay such  
18 fees to the state treasurer for deposit in the senior magistrate judges fund;  
19 and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer  
20 who shall, within five (5) days after the end of the month, pay such fees to  
21 the state treasurer for deposit into the court technology fund. No addi-  
22 tional fee shall be required if a new trial is granted.

23 (12) Appeal to supreme court. A fee of thirty-five dollars (\$35.00)  
24 shall be paid by the party taking an appeal from the district court to the  
25 supreme court for comparing and certifying the transcript on appeal, if such  
26 certificate is required. Nine dollars (\$9.00) of such fee shall be paid to  
27 the county treasurer for deposit in the district court fund of the county;  
28 six dollars (\$6.00) of such fee shall be paid to the county treasurer who  
29 shall, within five (5) days after the end of the month, pay such fees to the  
30 state treasurer for deposit in the senior magistrate judges fund; and twenty  
31 dollars (\$20.00) of such fee shall be paid to the county treasurer who shall,  
32 within five (5) days after the end of the month, pay such fees to the state  
33 treasurer for deposit into the court technology fund.

34 (13) Fees not covered by this section, including fees to defray the  
35 costs of electronic access to court records other than the register of ac-  
36 tions, shall be set by rule or administrative order of the supreme court.

37 (14) All fees required to be paid by this section or by rule or admin-  
38 istrative order of the supreme court shall be collected by the clerk of the  
39 district court or by a person appointed by the clerk of the district court  
40 for this purpose. If it appears that there is a necessity for such fees to  
41 be collected by persons other than the clerk of the district court or a per-  
42 son designated by the clerk for such purpose, the supreme court by rule or  
43 administrative order may provide for the designation of persons authorized  
44 to receive such fees. Persons so designated shall account for such fees in  
45 the same manner required of the clerk of the district court and shall pay such  
46 fees to the clerk of the district court of the county in which such fees are  
47 collected.

48 (15) That portion of the filing fees required to be remitted to the state  
49 treasurer for deposit pursuant to subsections (1), (2), (3), (4), (6) and  
50 (10) of this section shall be apportioned eighty-six percent (86%) to the

1 state general fund and fourteen percent (14%) to the peace officers stan-  
2 dards and training fund authorized in section 19-5116, Idaho Code, within  
3 five (5) days after the end of the month in which such fees were remitted to  
4 the county treasurer. That portion of the filing fees required to be remit-  
5 ted to a city treasurer for deposit in the city's general fund shall be re-  
6 mitted within five (5) days after the end of the month in which such fees were  
7 remitted to the county treasurer.

8 (16) Of the fees derived from the filing of any divorce action required  
9 to be transmitted to the state treasurer, the county treasurer shall retain  
10 five dollars (\$5.00), which shall be separately identified and deposited in  
11 the district court fund of the county. Such moneys shall be used exclusively  
12 for the purpose of establishing a uniform system of qualifying and approving  
13 persons, agencies or organizations to conduct evaluations of persons con-  
14 victed of domestic assault or battery as provided in section 18-918, Idaho  
15 Code, and the administration of section 18-918(7), Idaho Code, relating to  
16 the evaluation and counseling or other treatment of such persons, includ-  
17 ing the payment of the costs of evaluating and counseling or other treatment  
18 of an indigent defendant. No provision of chapter 52, title 39, Idaho Code,  
19 shall apply to the moneys provided for in this subsection.

20 (17) In consideration of the aforesaid fees, the clerk of the district  
21 court shall be required to perform all lawful service that may be required of  
22 him by any party thereto; provided, that he shall not prepare and furnish any  
23 certified copy of any file or record in an action except printed transcript  
24 on appeal, without additional compensation as provided by law.

25 SECTION 8. That Section 31-3201H, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 31-3201H. SURCHARGE FEE. (1) The court shall charge a surcharge fee to  
28 be paid by each defendant for each criminal offense or infraction committed  
29 on or after April 15, 2010, for which the defendant is found or pleads guilty.  
30 Such fee shall be in addition to all other fines and fees levied.

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

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

33 (b) For each misdemeanor, and for each first-time infraction under  
34 section 23-604 or 23-949, Idaho Code, the fee shall be fifty dollars  
35 (\$50.00); and

36 (c) For each infraction, except each first-time infraction under sec-  
37 tion 23-604 or 23-949, Idaho Code, the fee shall be ten dollars (\$10.00).

38 (3) The fee shall be collected by the clerk of the district court and  
39 shall be paid to the county treasurer, who shall, within five (5) days after  
40 the end of the month, pay such fees to the state treasurer, who shall deposit  
41 eighty percent (80%) of such fees in the drug court, mental health court and  
42 family court services fund created by section 1-1625, Idaho Code, and twenty  
43 percent (20%) of such fees in the court technology fund created by section  
44 1-1623, Idaho Code.

45 SECTION 9. That Section 31-3204, Idaho Code, be, and the same is hereby  
46 amended to read as follows:

1 31-3204. VICTIM NOTIFICATION -- FEE. The court shall charge a fee of  
2 fifteen dollars (\$15.00) for victim notification purposes to be paid by each  
3 person found guilty of each felony ~~or~~, misdemeanor or first-time infraction  
4 under section 23-604 or 23-949, Idaho Code, except when the court orders such  
5 fee waived because the person is indigent and unable to pay such fee. Such  
6 fee shall be in addition to all other fines and fees levied. Such fee shall  
7 be paid to the county treasurer who shall, within five (5) days after the end  
8 of the month, pay such fees to the state treasurer for deposit in the state  
9 victim notification fund established in section 67-2912, Idaho Code.

10 SECTION 10. That Section 72-1025, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 72-1025. FINES -- REIMBURSEMENTS -- PRIORITY -- DISPOSITION. (1) In  
13 addition to any other fine which may be imposed upon each person found guilty  
14 of criminal activity, the court shall impose a fine or reimbursement accord-  
15 ing to the following schedule, unless the court orders that such fine or re-  
16 imbursement be waived only when the defendant is indigent and at the time of  
17 sentencing shows good cause for inability to pay and written findings to that  
18 effect are entered by the court:

19 (a) For each conviction or finding of guilt of each felony count, a fine  
20 or reimbursement of not less than seventy-five dollars (\$75.00) per  
21 felony count;

22 (b) For each conviction or finding of guilt of each misdemeanor count, a  
23 fine or reimbursement of thirty-seven dollars (\$37.00) per misdemeanor  
24 count;

25 (c) For each first-time conviction or finding of guilt of an infraction  
26 under section 23-604 or 23-949, Idaho Code, a fine or reimbursement of  
27 thirty-seven dollars (\$37.00) per count;

28 (d) In addition to any fine or reimbursement ordered under subsection  
29 (a) or (b) above of this section, the court shall impose a fine or re-  
30 imbursement of not less than three hundred dollars (\$300) per count  
31 for any conviction or finding of guilt for any sex offense, including,  
32 but not limited to, offenses pursuant to sections 18-1506, 18-1507,  
33 18-1508, 18-1508A, 18-6101, 18-6108, 18-6605 and 18-6608, Idaho Code.

34 (2) The fine or reimbursement imposed under the provisions of this sec-  
35 tion shall have priority over all other judgments of the court, except an or-  
36 der to pay court costs.

37 (3) Notwithstanding the provisions of section 19-4705, Idaho Code, the  
38 fines or reimbursements imposed under the provisions of this section shall  
39 be paid into the crime victims compensation account.

40 SECTION 11. That Section 72-1105, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42 72-1105. FUND ESTABLISHED -- FINES -- PRIORITY -- DISPOSITION. (1) The  
43 peace officer and detention officer temporary disability fund is hereby cre-  
44 ated in the state treasury and shall be administered by the industrial com-  
45 mission for the purpose of providing a full rate of salary for any peace offi-  
46 cer or detention officer who is injured while engaged in those activities as  
47 provided in section 72-1104, Idaho Code, and is thereby temporarily incapac-

1 itated from performing his or her duties. Moneys shall be paid into the fund  
2 as provided by law and shall consist of fines collected pursuant to subsec-  
3 tion (2) of this section, appropriations, gifts, grants, donations and in-  
4 come from any other source. Moneys in the fund may be appropriated only for  
5 the purposes of this chapter, which shall include administrative expenses.  
6 The treasurer shall invest all idle moneys in the fund. Any interest earned  
7 on the investment of idle moneys shall be returned to the fund.

8 (2) In addition to any other fine that may be imposed upon each per-  
9 son found guilty of criminal activity, the court shall impose a fine in the  
10 amount of three dollars (\$3.00) for each conviction or finding of guilt of  
11 each felony or misdemeanor count, or for each conviction or finding of guilt  
12 of a first-time infraction under section 23-604 or 23-949, Idaho Code, un-  
13 less the court orders that such fine be waived only when the defendant is in-  
14 digent and at the time of sentencing shows good cause for inability to pay and  
15 written findings to that effect are entered by the court.

16 (3) Except as otherwise provided in section 72-1025, Idaho Code, the  
17 fine imposed under this section shall have priority over all other judgments  
18 of the court, except an order to pay court costs.

19 (4) Notwithstanding the provisions of section 19-4705, Idaho Code, the  
20 fines imposed under this section shall be paid into the peace officer and de-  
21 tention officer temporary disability fund.