STATEMENT OF PURPOSE

RS24989C1

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. Chapter 27 of title 49 contains provisions concerning how funeral processions are to be conducted, and also specifies that pedestrians and drivers must yield the right-of-way to funeral processions, and may not interfere with them. I.C. § 49-2706 states that a violation of the provisions of the chapter is a misdemeanor punishable by a fine of up to $100; there is no jail time for this offense. This bill would make these offenses traffic infractions, unless the interference is knowing and intentional, in which case it would be a misdemeanor punishable by both a fine and a possible jail sentence.

FISCAL NOTE

This offense is rarely charged; there were only two such charges in 2016. In a case where the offense is charged as an infraction, there would be some loss of revenue because the court costs and fees for an infraction are $101 less than for a misdemeanor. Where there is a conviction for a misdemeanor and jail time is imposed, there would be some added cost to the county for the incarceration of the defendant. In addition, Idaho Transportation Department reports that there would be additional cost to program their software. Traffic infraction violations count toward the point system for license suspensions, while misdemeanors do not. Programming would be needed so that these infractions would be linked to the point system. ITD estimates that this would involve 40 hours at $100 per hour, for a total cost of $4,000.

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