

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 463

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO COURT FEES AND COSTS; AMENDING SECTION 19-2608, IDAHO CODE, TO
2 REVISE A PROVISION REGARDING PAYMENT OF COSTS FOR CERTAIN TESTS AND TO
3 MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 5, TITLE 20, IDAHO CODE,
4 BY THE ADDITION OF A NEW SECTION 20-516A, IDAHO CODE, TO PROVIDE FOR A
5 JUVENILE SUPERVISED PRETRIAL RELEASE PROGRAM AND TO PROVIDE FOR CERTAIN
6 FEES; AMENDING SECTION 31-3201D, IDAHO CODE, TO AUTHORIZE A COURT TO
7 ORDER THE PAYMENT OF CERTAIN FEES, TO PROVIDE FOR HOW SUCH FEES SHALL
8 BE PAID, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3201I,
9 IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF CERTAIN COSTS AND FEES
10 AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 31-3201J,
11 IDAHO CODE, TO REVISE A PROVISION REGARDING PRETRIAL SUPERVISION FEES.
12

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

14 SECTION 1. That Section 19-2608, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 19-2608. PAYMENT OF COURT-ORDERED TESTS OF BREATH OR BODILY FLU-
17 IDS. Whenever a court orders testing of breath or bodily fluids as a
18 condition of probation, such costs for the tests shall be paid for by the pro-
19 bationer in addition to any supervision fee authorized under section 20-225
20 or 31-3201D, Idaho Code, to the clerk of the court if services are provided
21 by the county or directly to the agency providing the testing, provided the
22 court may waive this requirement upon a showing of cause.

23 SECTION 2. That Chapter 5, Title 20, Idaho Code, be, and the same is
24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
25 ignated as Section 20-516A, Idaho Code, and to read as follows:

26 20-516A. JUVENILE PRETRIAL SUPERVISION -- FEES. (1) The board of
27 county commissioners may establish a juvenile supervised pretrial release
28 program to perform those functions as prescribed by the administrative dis-
29 trict judge in each judicial district. The board of county commissioners
30 may provide for juvenile supervised pretrial release services through em-
31 ployment of staff, contract, or any other process that will accomplish the
32 purposes of this section. A board of county commissioners shall not be obli-
33 gated to establish a juvenile supervised pretrial release program. Counties
34 having established a juvenile supervised pretrial release program shall not
35 be obligated to provide juvenile supervised pretrial release services be-
36 yond the funds generated by the fees collected and any additional funds that
37 may be annually appropriated by the board of county commissioners.

38 (2) The court may assess a monthly juvenile pretrial supervision fee
39 that shall be an amount no more than the maximum monthly juvenile probation
40 supervision fee set forth in section 20-520, Idaho Code, per month, or such

1 lesser sum as determined by the administrative judge of the judicial dis-
2 trict, against the juvenile offender placed on pretrial supervision. The
3 juvenile pretrial supervision fee shall be paid to the clerk of the district
4 court who shall deposit such fee into the county juvenile probation fund,
5 which is hereby created, in each county or, at the option of the board of
6 county commissioners, deposited in the county justice fund to be used for
7 county juvenile probation services. Moneys from this fee may be accumulated
8 from year to year and shall be expended exclusively for county juvenile pre-
9 trial supervision services and related purposes.

10 (3) A juvenile shall not be required to pay the juvenile pretrial super-
11 vision fee authorized in subsection (2) of this section until after the entry
12 of an order finding the juvenile offender is within the purview of this sec-
13 tion.

14 (4) The court may also order the juvenile to pay additional fees to
15 cover the actual costs of electronic monitoring, alcohol testing, or drug
16 testing if such monitoring or testing is a condition of the juvenile's re-
17 lease. Such additional fees may be paid to the clerk of the court or directly
18 to the provider of the service. If fees are paid to the clerk of the court,
19 the clerk of the court shall pay such fees to the county treasurer and such
20 fees shall be used exclusively to cover the costs for which the additional
21 fees have been ordered.

22 (5) Any unpaid juvenile pretrial supervision fee shall be considered a
23 debt owed to the court and may be collected in the manner provided by law for
24 the collection of such debts.

25 SECTION 3. That Section 31-3201D, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 31-3201D. COUNTY MISDEMEANOR PROBATION SUPERVISION FEE. (1) Any per-
28 son under a supervised probation program for a misdemeanor offense shall be
29 required to pay an amount not more than the maximum monthly felony proba-
30 tion or parole supervision fee set forth in section 20-225, Idaho Code, per
31 month, or such lesser sum as determined by the administrative judge of the
32 judicial district, as a misdemeanor probation supervision fee. Any failure
33 to pay such fee shall constitute grounds for the revocation of probation by
34 the court, but this shall not be the exclusive remedy for its collection. The
35 court for good cause may exempt a person from the payment of all or any part of
36 the foregoing fee.

37 (2) Any fee paid under this section on or after July 1, 2008, and regard-
38 less of whether the underlying judgment of conviction, withheld judgment or
39 order imposing probation was entered before or after that date, shall be paid
40 to the clerk of the district court, who shall pay the first one dollar (\$1.00)
41 of each monthly payment to the state treasurer for deposit in the peace
42 officers standards and training fund authorized in section 19-5116, Idaho
43 Code, to help offset the costs to counties for the basic training, continu-
44 ing education and certification of misdemeanor probation officers, whether
45 those officers are employees of or by private sector contract with a county;
46 the clerk of the district court shall deposit the remainder of each monthly
47 payment into the county misdemeanor probation fund which is hereby created
48 in each county, or, at the option of the board of county commissioners, de-
49 posited in the county justice fund to be used for the purposes described in

1 this section. Moneys from this fee may be accumulated from year to year and
 2 shall be expended exclusively for county misdemeanor probation services and
 3 related purposes.

4 (3) This section shall not restrict the court from ordering the payment
 5 of other costs and fees, including but not limited to electronic monitoring
 6 fees and other fees pursuant to section 19-2608, Idaho Code, that, by law,
 7 may be imposed on persons who have been found guilty of or have pled guilty to
 8 a criminal offense, including those who have been placed on probation or pa-
 9 role. Such additional costs and fees shall be paid to the clerk of the court
 10 if services are provided by the county or directly to the agency providing
 11 the service. If fees are paid to the clerk of the court, the clerk of the
 12 court shall pay such fees to the county treasurer and such fees shall be used
 13 exclusively to cover the costs for which the additional fees have been or-
 14 dered.

15 SECTION 4. That Section 31-3201I, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 31-3201I. DISTRIBUTION OF PAYMENTS IN CRIMINAL CASES. When ordered by
 18 the court to make one (1) of the following payments in a criminal case, a de-
 19 fendant shall make the payment to the clerk of the court in which the judg-
 20 ment was entered. The judgment shall be satisfied accordingly by entry in
 21 the electronic docket of the court, and the clerk of the court shall remit
 22 daily all such payments to the county auditor who shall, at least monthly,
 23 distribute the payments received as required by statute. The distributions
 24 shall first completely satisfy the amounts due in the following order before
 25 distribution of payments for any other amounts owed to the court:

26 (1) Fees for each felony, misdemeanor and infraction paid pursuant to
 27 section 31-3201A(2), Idaho Code;

28 (2) Fines or reimbursements paid for the crime victims compensation ac-
 29 count pursuant to section 72-1025, Idaho Code;

30 (3) Misdemeanor probation supervision fees, including court-ordered
 31 costs and fees, paid pursuant to section 31-3201D, Idaho Code;

32 (4) Pretrial release supervision fees paid pursuant to section
 33 31-3201J, Idaho Code;

34 (5) County drug and mental health fund fees paid pursuant to section
 35 31-3201E, Idaho Code;

36 (6) Fines paid for the peace officer and detention officer temporary
 37 disability fund pursuant to section 72-1105, Idaho Code;

38 (7) Restitution to victims of crime paid pursuant to section 19-5304,
 39 Idaho Code, if paid through the clerk of the court;

40 (8) Community service fees paid pursuant to section 31-3201C, Idaho
 41 Code;

42 (9) Victim notification fund fees paid pursuant to section 31-3204,
 43 Idaho Code;

44 (10) Court technology fees paid pursuant to section 31-3201(5), Idaho
 45 Code;

46 (11) Surcharge fees paid pursuant to section 31-3201H, Idaho Code;

47 (12) Peace officers standards and training fees paid pursuant to sec-
 48 tion 31-3201B, Idaho Code;

- 1 (13) Domestic violence court fees paid pursuant to section 32-1410,
2 Idaho Code;
- 3 (14) Criminal fines;
- 4 (15) Reimbursement for public defender costs paid pursuant to section
5 19-854(7), Idaho Code;
- 6 (16) Costs of prosecution ordered as a condition of probation and paid
7 pursuant to section 19-2601, Idaho Code, and Idaho criminal rule 33(d) (2);
- 8 (17) Domestic violence fines for the domestic violence project account
9 paid pursuant to section 39-6312, Idaho Code;
- 10 (18) Drug hotline fees paid pursuant to section 37-2735A, Idaho Code;
- 11 (19) Additional fish and game fines for the search and rescue ~~account~~
12 fund paid pursuant to section 36-1405, Idaho Code;
- 13 (20) County administrative surcharge fees paid pursuant to section
14 31-3201(3), Idaho Code;
- 15 (21) Motor vehicle violation surcharge fees and ignition interlock and
16 electronic monitoring fees paid pursuant to sections 18-8008 and 18-1810,
17 Idaho Code;
- 18 (22) Costs for toxicology testing paid pursuant to section 37-2732C(g),
19 Idaho Code;
- 20 (23) Costs incurred by law enforcement agencies in investigating vio-
21 lations of the racketeering act or money laundering and illegal investment
22 provisions paid pursuant to section 37-2732(k), Idaho Code;
- 23 (24) Restitution for the repair or replacement of simulated wildlife
24 paid pursuant to section 36-1101(b) (8), Idaho Code; and
- 25 (25) Abandoned vehicle fees paid pursuant to section 31-3201F, Idaho
26 Code.

27 SECTION 5. That Section 31-3201J, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 31-3201J. PRETRIAL SUPERVISION FEE. (1) Any person under a supervised
30 pretrial release program may be required to pay an amount not more than the
31 maximum monthly misdemeanor probation supervision fee set forth in section
32 31-3201D, Idaho Code, per month, or such lesser sum as determined by the ad-
33 ministrative judge of the judicial district, as a pretrial release supervi-
34 sion fee to cover the actual costs of supervising the defendant while in the
35 supervised pretrial release program.

36 (2) A defendant shall not be required to pay the pretrial supervision
37 fee authorized in subsection (1) of this section until after a judgment of
38 conviction ~~is entered for at least one (1) of the charges for which the defen-~~
39 ~~dant has been ordered to participate in a supervised pretrial release pro-~~
40 ~~gram or withheld judgment.~~

41 (3) The pretrial supervision fee shall be paid to the clerk of the
42 court, who shall pay such fees to the county treasurer. Such fees shall be
43 used exclusively to cover the costs of the pretrial services provided by the
44 pretrial services agency that has been designated to provide such services.

45 (4) The court may also order the defendant to pay additional fees to
46 cover the actual costs of electronic monitoring, alcohol testing, or drug
47 testing if such monitoring or testing is a condition of the defendant's re-
48 lease. Such additional fees may be paid to the clerk of the court or directly
49 to the provider of the service. If fees are paid to the clerk of the court,

1 the clerk of the court shall pay such fees to the county treasurer and such
2 fees shall be used exclusively to cover the costs for which the additional
3 fees have been ordered.

4 (5) Based on a finding of indigence or other good cause, the court may
5 exempt the defendant from the payment of all or any part of the fees autho-
6 rized by this section, and no defendant shall be denied release or denied
7 participation in a supervised pretrial release program because of an inabil-
8 ity to pay the fees authorized by this section. Any unpaid pretrial services
9 fee shall be considered a debt owed to the court and may be collected in the
10 manner provided by law for the collection of such debts.