

IN THE SENATE

SENATE BILL NO. 1035

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO COURT FEES; AMENDING SECTION 31-3201A, IDAHO CODE, TO REVISE A
2 PROVISION REGARDING COURT FEES FOR A CHANGE IN VENUE AND TO MAKE TECHNICAL
3 CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
4 DATE.
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6 Be It Enacted by the Legislature of the State of Idaho:

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

9 31-3201A. COURT FEES. The clerk of the district court, in addition to
10 the fees and charges imposed by chapter 20, title 1, Idaho Code, and by section
11 31-3201, Idaho Code, and in addition to the fee levied by chapter 2, title
12 73, Idaho Code, shall charge, demand and receive the following fees for
13 services rendered by him in discharging the duties imposed upon him by law:

14 (1) Civil cases. A fee of one hundred seventy-five dollars (\$175) for
15 filing a civil case of any type in the district court, except for those cases
16 to be assigned to the magistrate division of the district court for which the
17 fee shall be one hundred twenty dollars (\$120), with the following exceptions:
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19 (a) The fee for small claims shall be as provided in section 1-2303,
20 Idaho Code;

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

22 (i) Cases brought under chapter 3, title 66, Idaho Code, for commitment of mentally ill persons;

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

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

25 (iv) Demands for bond before a personal representative is appointed in probate;

26 (v) Petitions for sterilization;

27 (vi) Petitions for judicial consent to abortion;

28 (vii) Registration of trusts and renunciations;

29 (viii) Petitions for leave to compromise the disputed claim of a
30 minor;

31 (ix) Petitions for a civil protection order or to enforce a foreign civil protection order pursuant to chapter 63, title 39, Idaho Code;

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

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

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

35 (xiii) Filings of a custody decree from another state; and
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1 (xiv) Filings of any answer after an initial appearance fee has
2 been paid.

3 The filing fee shall be distributed as follows: twenty-three dollars
4 (\$23.00) of such filing fee shall be paid to the county treasurer for deposit
5 in the district court fund of the county, with six dollars (\$6.00) of such
6 twenty-three dollars (\$23.00) dedicated to provide for the suitable and ad-
7 equate quarters of the magistrate division of the district court, including
8 the facilities and equipment necessary to make the space provided functional
9 for its intended use, and ~~shall~~ to provide for the staff personnel, supplies
10 and other expenses of the magistrate division; one dollar (\$1.00) of such
11 filing fee shall be paid to the peace officers standards and training fund
12 established in section 19-5116, Idaho Code; one hundred thirty-five dollars
13 (\$135) of such filing fee, or in a case assigned to the magistrate division of
14 the district court eighty dollars (\$80.00) of such filing fee, shall be paid
15 to the county treasurer who shall, within fifteen (15) days after the end of
16 the month, pay such fees to the state treasurer for deposit into the court
17 technology fund; ten dollars (\$10.00) of such filing fee shall be paid to the
18 county treasurer, who shall pay such fees to the state treasurer for deposit
19 in accordance with subsection (15) of this section; and six dollars (\$6.00)
20 of such filing fee shall be paid to the county treasurer, who shall, within
21 fifteen (15) days after the end of the month, pay such fees to the state trea-
22 surer for deposit in the senior magistrate judges fund.

23 (2) Felonies and misdemeanors. A fee of seventeen dollars and fifty
24 cents (\$17.50) shall be paid, but not in advance, by each person found guilty
25 of any felony or misdemeanor, except when the court orders such fee waived
26 because the person is indigent and unable to pay such fee. Eleven dollars
27 (\$11.00) of such fee shall be paid to the county treasurer for deposit in the
28 district court fund of the county, with six dollars (\$6.00) of such eleven
29 dollars (\$11.00) dedicated to provide for the suitable and adequate quarters
30 of the magistrate division of the district court, including the facilities
31 and equipment necessary to make the space provided functional for its in-
32 tended use, and ~~shall~~ to provide for the staff personnel, supplies and other
33 expenses of the magistrate division; one dollar (\$1.00) of such filing fee
34 shall be paid to the peace officers standards and training fund established
35 in section 19-5116, Idaho Code; and five dollars and fifty cents (\$5.50) of
36 such fee shall be paid to the county treasurer, who shall pay such fees to the
37 state treasurer for deposit in accordance with subsection (15) of this sec-
38 tion.

39 (3) Infractions. A fee of sixteen dollars and fifty cents (\$16.50)
40 shall be paid, but not in advance, by each person found to have committed an
41 infraction or any minor traffic, conservation or ordinance violation, and a
42 fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not in
43 advance, by each person found to have committed an infraction under section
44 18-8001 or 49-301, Idaho Code, or a first-time infraction under section
45 23-604 or 23-949, Idaho Code, and distributed pursuant to subsection (2) of
46 this section; provided that the judge or magistrate may in his or her discre-
47 tion consolidate separate nonmoving traffic offenses into one (1) offense
48 for purposes of assessing such fee. Eleven dollars (\$11.00) of such fee
49 shall be paid to the county treasurer for deposit in the district court fund
50 of the county, with six dollars (\$6.00) of such eleven dollars (\$11.00) ded-

1 icated to provide for the suitable and adequate quarters of the magistrate
2 division of the district court, including the facilities and equipment nec-
3 cessary to make the space provided functional for its intended use, and ~~shall~~
4 to provide for the staff personnel, supplies and other expenses of the mag-
5 istrate division; one dollar (\$1.00) of such filing fee shall be paid to the
6 peace officers standards and training fund established in section 19-5116,
7 Idaho Code; and four dollars and fifty cents (\$4.50) of such fee shall be paid
8 to the county treasurer, who shall pay such fees to the state treasurer for
9 deposit in accordance with subsection (15) of this section.

10 (4) Initial appearance other than plaintiff. A fee of one hundred dol-
11 lars (\$100) shall be paid for any filing constituting the initial appearance
12 by a party, except the plaintiff, in any civil action in the district court
13 or in the magistrate division of the district court, except small claims. If
14 two (2) or more parties are making their initial appearance in the same fil-
15 ing, then only one (1) filing fee shall be collected. Of such fee, four dol-
16 lars (\$4.00) shall be paid to the county treasurer for deposit in the dis-
17 trict court fund of the county; eighty dollars (\$80.00) of such fee shall be
18 paid to the county treasurer, who shall, within fifteen (15) days after the
19 end of the month, pay such fees to the state treasurer for deposit into the
20 court technology fund; ten dollars (\$10.00) of such fee shall be paid to the
21 county treasurer, who shall pay such fees to the state treasurer for deposit
22 in accordance with subsection (15) of this section; and six dollars (\$6.00)
23 of such fee shall be paid to the county treasurer, who shall, within fifteen
24 (15) days after the end of the month, pay such fees to the state treasurer for
25 deposit in the senior magistrate judges fund.

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

30 (6) Distribution of estate. A fee of twenty-five dollars (\$25.00)
31 shall be paid upon the filing of a petition of the executor or administrator
32 or of any person interested in an estate for the distribution of such estate,
33 ~~six.~~ Six dollars (\$6.00) of such fee shall be paid to the county treasurer
34 for deposit in the district court fund of the county; thirteen dollars
35 (\$13.00) of such fee shall be paid to the county treasurer, who shall pay such
36 fees to the state treasurer for deposit in accordance with subsection (15) of
37 this section; and six dollars (\$6.00) of such fee shall be paid to the county
38 treasurer, who shall, within fifteen (15) days after the end of the month,
39 pay such fees to the state treasurer for deposit in the senior magistrate
40 judges fund.

41 (7) Third-party claim. A fee of fourteen dollars (\$14.00) shall be paid
42 by a party filing a third-party claim as defined in the Idaho rules of civil
43 procedure. Eight dollars (\$8.00) of such fee shall be paid to the county
44 treasurer for deposit in the district court fund of the county; and six dol-
45 lars (\$6.00) of such fee shall be paid to the county treasurer, who shall,
46 within fifteen (15) days after the end of the month, pay such fees to the
47 state treasurer for deposit in the senior magistrate judges fund.

48 (8) Cross-claims. A fee of fourteen dollars (\$14.00) shall be paid by
49 any party filing a cross-claim. Eight dollars (\$8.00) of such fee shall be
50 paid to the county treasurer for deposit in the district court fund of the

1 county; and six dollars (\$6.00) of such fee shall be paid to the county trea-
2 surer, who shall, within fifteen (15) days after the end of the month, pay
3 such fees to the state treasurer for deposit in the senior magistrate judges
4 fund.

5 (9) Change of venue. A fee of twenty-nine dollars (\$29.00) shall be
6 paid by a party initiating a change of venue. Such fee shall be paid to the
7 clerk of the court of the county ~~to which venue is changed~~ initiating the
8 change. Nine dollars (\$9.00) of such fee shall be paid to the county trea-
9 surer for deposit in the district court fund of the county; and twenty dol-
10 lars (\$20.00) of such fee shall be paid to the county treasurer, who shall,
11 within fifteen (15) days after the end of the month, pay such fees to the
12 state treasurer for deposit into the court technology fund.

13 (10) Reopening a case.

14 (a) A fee of eighty-five dollars (\$85.00) shall be paid by any party
15 appearing after judgment or applying to reopen a case. Nine dollars
16 (\$9.00) of such fee shall be paid to the county treasurer for deposit in
17 the district court fund of the county; six dollars (\$6.00) of such fee
18 shall be paid to the county treasurer, who shall, within fifteen (15)
19 days after the end of the month, pay such fees to the state treasurer
20 for deposit in the senior magistrate judges fund; and seventy dollars
21 (\$70.00) of such fee shall be paid to the county treasurer, who shall,
22 within fifteen (15) days after the end of the month, pay such fees to the
23 state treasurer for deposit into the court technology fund.

24 (b) A fee of one hundred eight dollars (\$108) shall be paid by a party
25 applying to reopen a divorce action or modify a divorce decree, with
26 seventeen dollars (\$17.00) of the fee to be paid to the county treasurer
27 for deposit in the district court fund of the county; fifteen dollars
28 (\$15.00) of such fee to be paid to the county treasurer, who shall pay
29 such fees to the state treasurer for deposit in accordance with subsec-
30 tion (15) of this section; six dollars (\$6.00) of such fee to be paid to
31 the county treasurer, who shall, within fifteen (15) days after the end
32 of the month, pay such fees to the state treasurer for deposit in the
33 senior magistrate judges fund; and seventy dollars (\$70.00) of such fee
34 shall be paid to the county treasurer, who shall, within fifteen (15)
35 days after the end of the month, pay such fees to the state treasurer for
36 deposit into the court technology fund.

37 (c) When the application to reopen a case consists only of a motion or
38 other pleading to revive or renew a judgment, a fee of twenty-nine dol-
39 lars (\$29.00) shall be paid by the party filing the motion or pleading.
40 Nine dollars (\$9.00) of such fee shall be paid to the county treasurer
41 for deposit in the district court fund of the county; and twenty dollars
42 (\$20.00) of such fee shall be paid to the county treasurer, who shall,
43 within fifteen (15) days after the end of the month, pay such fees to the
44 state treasurer for deposit into the court technology fund.

45 (11) Appeal to district court. A fee of thirty-five dollars (\$35.00)
46 shall be paid by a party taking an appeal from the magistrate division of the
47 district court to the district court; nine dollars (\$9.00) of such fee shall
48 be paid to the county treasurer for deposit in the district court fund of the
49 county; six dollars (\$6.00) of such fee shall be paid to the county trea-
50 surer, who shall, within fifteen (15) days after the end of the month, pay

1 such fees to the state treasurer for deposit in the senior magistrate judges
2 fund; and twenty dollars (\$20.00) of such fee shall be paid to the county
3 treasurer, who shall, within fifteen (15) days after the end of the month,
4 pay such fees to the state treasurer for deposit into the court technology
5 fund. No additional fee shall be required if a new trial is granted.

6 (12) Appeal to supreme court. A fee of thirty-five dollars (\$35.00)
7 shall be paid by the party taking an appeal from the district court to the
8 supreme court for comparing and certifying the transcript on appeal, if such
9 certificate is required. Nine dollars (\$9.00) of such fee shall be paid to
10 the county treasurer for deposit in the district court fund of the county;
11 six dollars (\$6.00) of such fee shall be paid to the county treasurer, who
12 shall, within fifteen (15) days after the end of the month, pay such fees to
13 the state treasurer for deposit in the senior magistrate judges fund; and
14 twenty dollars (\$20.00) of such fee shall be paid to the county treasurer,
15 who shall, within fifteen (15) days after the end of the month, pay such fees
16 to the state treasurer for deposit into the court technology fund.

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

20 (14) All fees required to be paid by this section or by rule or admin-
21 istrative order of the supreme court shall be collected by the clerk of the
22 district court or by a person appointed by the clerk of the district court
23 for this purpose. If it appears that there is a necessity for such fees to
24 be collected by persons other than the clerk of the district court or a per-
25 son designated by the clerk for such purpose, the supreme court by rule or
26 administrative order may provide for the designation of persons authorized
27 to receive such fees. Persons so designated shall account for such fees in
28 the same manner required of the clerk of the district court and shall pay such
29 fees to the clerk of the district court of the county in which such fees are
30 collected.

31 (15) That portion of the filing fees required to be remitted to the state
32 treasurer for deposit pursuant to subsections (1), (2), (3), (4), (6) and
33 (10) of this section shall be apportioned eighty-six percent (86%) to the
34 state general fund and fourteen percent (14%) to the peace officers stan-
35 dards and training fund authorized in section 19-5116, Idaho Code, within
36 fifteen (15) days after the end of the month in which such fees were remitted
37 to the county treasurer. That portion of the filing fees required to be re-
38 mitted to a city treasurer for deposit in the city's general fund shall be re-
39 mitted within fifteen (15) days after the end of the month in which such fees
40 were remitted to the county treasurer.

41 (16) Of the fees derived from the filing of any divorce action required
42 to be transmitted to the state treasurer, the county treasurer shall retain
43 five dollars (\$5.00), which shall be separately identified and deposited in
44 the district court fund of the county. Such moneys shall be used exclusively
45 for the purpose of establishing a uniform system of qualifying and approving
46 persons, agencies or organizations to conduct evaluations of persons con-
47 victed of domestic assault or battery as provided in section 18-918, Idaho
48 Code, and the administration of section 18-918(7), Idaho Code, relating to
49 the evaluation and counseling or other treatment of such persons, includ-
50 ing the payment of the costs of evaluating and counseling or other treatment

1 of an indigent defendant. No provision of chapter 52, title 39, Idaho Code,
2 shall apply to the moneys provided for in this subsection.

3 (17) In consideration of the fees in this section, the clerk of the dis-
4 trict court shall be required to perform all lawful service that may be re-
5 quired of him by any party thereto; provided that he shall not prepare and
6 furnish any certified copy of any file or record in an action, except printed
7 transcript on appeal, without additional compensation as provided by law.

8 SECTION 2. An emergency existing therefor, which emergency is hereby
9 declared to exist, this act shall be in full force and effect on and after
10 July 1, 2023.