

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 117

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO CRIME VICTIMS; AMENDING SECTION 19-5307, IDAHO CODE, TO PROVIDE
2 THAT A FINE MAY BE IMPOSED FOR CERTAIN FELONIES, TO PROVIDE THAT A FINE
3 MAY BE IMPOSED FOR THE ATTEMPT OF CERTAIN FELONIES, AND TO MAKE TECHNICAL
4 CORRECTIONS.
5

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

7 SECTION 1. That Section 19-5307, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 19-5307. FINES IN CASES OF CRIMES OF VIOLENCE. (1) Irrespective of any
10 penalties set forth under state law, and in addition thereto, the court, at
11 the time of sentencing or such later date as deemed necessary by the court,
12 may impose a fine not to exceed five thousand dollars (\$5,000) against any
13 defendant found guilty of any felony listed in subsections (2) and (3) of
14 this section.

15 The fine shall operate as a civil judgment against the defendant, and
16 shall be entered on behalf of the victim named in the indictment or information,
17 or the family of the victim in cases of homicide or crimes against
18 children, and shall not be subject to any distribution otherwise required
19 in section 19-4705, Idaho Code. The clerk of the district court may collect
20 the fine in the same manner as other fines imposed in criminal cases are collected
21 and shall remit any money collected in payment of the fine to the victim
22 named in the indictment or information or to the family of the victim in a
23 case of homicide or crimes against minor children, provided that none of the
24 provisions of this section shall be construed as modifying the provisions of
25 chapter 6, title 11, Idaho Code, chapter 10, title 55, Idaho Code, or section
26 72-802, Idaho Code. A fine created under this section shall be a separate
27 written order in addition to any other sentence the court may impose.

28 The fine contemplated in this section shall be ordered solely as a punitive
29 measure against the defendant, and shall not be based upon any requirement
30 of showing of need by the victim. The fine shall not be used as a substitute
31 for an order of restitution as contemplated in section 19-5304, Idaho
32 Code, nor shall such an order of restitution or order of compensation entered
33 in accordance with section 72-1018, Idaho Code, be offset by the entry
34 of such fine.

35 A defendant may appeal a fine created under this section in the same manner
36 as any other aspect of a sentence imposed by the court. The imposition of
37 a fine created under this section shall not preclude the victim from seeking
38 any other legal remedy; provided that in any civil action brought by or on behalf
39 of the victim, the defendant shall be entitled to offset the amount of any
40 fine imposed pursuant to this section against any award of punitive damages.
41

1 (2) The felonies for which a fine created under this section may be im-
2 posed are those described in:

3 Section 18-805, Idaho Code (Aggravated arson);

4 Section 18-905, Idaho Code (Aggravated assault);

5 Section 18-907, Idaho Code (Aggravated battery);

6 Section 18-909, Idaho Code (Assault with intent to commit a serious
7 felony);

8 Section 18-911, Idaho Code (Battery with intent to commit a serious
9 felony);

10 Section 18-913, Idaho Code (Felonious administration of drugs);

11 Section 18-918, Idaho Code (Felony domestic violence);

12 Section 18-923, Idaho Code (Attempted strangulation);

13 Section 18-1501, Idaho Code (Felony injury to children);

14 Section 18-1506, Idaho Code (Sexual abuse of a child under the age of
15 sixteen);

16 Section 18-1506A, Idaho Code (Ritualized abuse of a child);

17 Section 18-1507, Idaho Code (Sexual exploitation of a child);

18 Section 18-1508, Idaho Code (Lewd conduct with a child under the age of
19 sixteen);

20 Section 18-1508A, Idaho Code (Sexual battery of a minor child sixteen or
21 seventeen years of age);

22 Section 18-4001, Idaho Code (Murder);

23 Section 18-4006, Idaho Code (Felony manslaughter);

24 Section 18-4014, Idaho Code (Administering poison with intent to kill);

25 Section 18-4015, Idaho Code (Assault with intent to murder);

26 Section 18-4502, Idaho Code (First degree kidnapping);

27 Section 18-5001, Idaho Code (Mayhem);

28 Section 18-5501, Idaho Code (Poisoning food, medicine or wells);

29 Section 18-6101, Idaho Code (Rape);

30 Section 18-6501, Idaho Code (Robbery).

31 (3) Notwithstanding the provisions of section 18-306(4) and (5), Idaho
32 Code, the fine created under this section may also be imposed up to five thou-
33 sand dollars (\$5,000) for attempts of the felonies described in:

34 Section 18-4001, Idaho Code (Murder);

35 Section 18-6101, Idaho Code (Rape).