

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 421

BY NATE

AN ACT

1 RELATING TO THE HEALTH INSURANCE EXCHANGE; REPEALING CHAPTER 61, TITLE 41,
2 IDAHO CODE, RELATING TO THE IDAHO HEALTH INSURANCE EXCHANGE ACT; AND
3 AMENDING SECTION 19-854, IDAHO CODE, TO REMOVE REFERENCE TO THE IDAHO
4 HEALTH INSURANCE EXCHANGE.
5

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

7 SECTION 1. That Chapter 61, Title 41, Idaho Code, be, and the same is
8 hereby repealed.

9 SECTION 2. That Section 19-854, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 19-854. DETERMINATION OF INDIGENCY -- FACTORS CONSIDERED -- PARTIAL
12 PAYMENT BY ACCUSED -- REIMBURSEMENT. (1) The determination of whether a per-
13 son covered under section 19-852, Idaho Code, is an indigent person shall
14 be deferred until his first appearance in court or in a suit for payment or
15 reimbursement under section 19-858, Idaho Code, whichever occurs earlier.
16 Thereafter, the court concerned shall determine, with respect to each pro-
17 ceeding, whether he is an indigent person.

18 (2) The court concerned shall presume that the following persons are
19 indigent persons unless such a determination is contrary to the interests of
20 justice:

21 (a) Persons whose current monthly income does not exceed one hundred
22 eighty-seven percent (187%) of the federal poverty guidelines issued
23 annually by the federal department of health and human services;

24 (b) Persons who receive, or whose dependents receive, public assis-
25 tance pursuant to title 56, Idaho Code, in the form of food assistance,
26 health coverage, cash assistance or child care assistance; or

27 (c) Persons who are currently serving a sentence in a correctional fa-
28 cility or are being housed in a mental health facility.

29 (3) The court concerned may determine that persons other than those de-
30 scribed in subsection (2) of this section are indigent persons. In deter-
31 mining whether a person is an indigent person and in determining the extent
32 of his inability to pay, the court concerned may consider such factors as in-
33 come, property owned, outstanding obligations, the number and ages of his
34 dependents and the cost of bail. ~~Participation in the Idaho health insurance
35 exchange shall not result in the presumption of indigency.~~

36 (4) Release on bail does not necessarily prevent a person from being an
37 indigent person.

38 (5) In each case, the person shall, subject to the penalties for per-
39 jury, certify in writing or by other record such material factors relating to
40 his ability to pay as the court prescribes by rule. No information provided

1 by a person pursuant to this subsection may be used as substantive evidence
2 in any criminal or civil proceeding against the person except:

3 (a) For impeachment purposes;

4 (b) In a prosecution for perjury or contempt committed in providing the
5 information; or

6 (c) In an attempt to enforce an obligation to reimburse the state for
7 the cost of counsel.

8 (6) To the extent that a person covered under section 19-852, Idaho
9 Code, is able to provide for an attorney, the other necessary services and
10 facilities of representation, and court costs, the court may order him to
11 provide for their payment.

12 (7) Upon conviction, notwithstanding the form of judgment or withheld
13 judgment, plea of guilty or finding of guilt for any crime regardless of the
14 original crime or number of counts, an indigent person who receives the ser-
15 vices of an attorney provided by the county may be required by the court to
16 reimburse the county for all or a portion of the cost of those services re-
17 lated to the conviction, plea of guilty or finding of guilt, unless the re-
18 quirement would impose a manifest hardship on the indigent person. The cur-
19 rent inability of the indigent person to pay the reimbursement shall not, in
20 and of itself, restrict the court from ordering reimbursement.