

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 434

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO COURTS; AMENDING CHAPTER 16, TITLE 1, IDAHO CODE, BY THE ADDI-  
2 TION OF A NEW SECTION 1-1626, IDAHO CODE, TO DEFINE TERMS AND TO PROVIDE  
3 FOR PRIORITY AND ORDER OF PAYMENTS OF DEBTS IN CRIMINAL CASES; AMEND-  
4 ING SECTION 19-5302, IDAHO CODE, TO REMOVE A PROVISION REGARDING PRIOR-  
5 ITY OF PAYMENT; AMENDING SECTION 72-1025, IDAHO CODE, TO REMOVE A PROVI-  
6 SION REGARDING PRIORITY OF PAYMENT; AND AMENDING SECTION 72-1105, IDAHO  
7 CODE, TO REMOVE A PROVISION REGARDING PRIORITY OF PAYMENT.  
8

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

10 SECTION 1. That Chapter 16, Title 1, Idaho Code, be, and the same is  
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
12 ignated as Section 1-1626, Idaho Code, and to read as follows:

13 1-1626. PRIORITY AND ORDER OF PAYMENTS IN CRIMINAL CASES. (1) As used  
14 in this section:

15 (a) "Court costs" means the court technology fee paid pursuant to sec-  
16 tion 31-3201(5), Idaho Code; the fee for each felony and misdemeanor  
17 paid pursuant to section 31-3201A(2), Idaho Code; drug court and mental  
18 health court fees paid pursuant to section 31-3201E, Idaho Code; and the  
19 surcharge fee paid pursuant to section 31-3201H, Idaho Code.

20 (b) "Debts owed to the court" means any assessment of fines, court  
21 costs, surcharges, penalties, fees, restitution, moneys expended in  
22 providing counsel and other defense services to indigent defendants,  
23 or other charges that a court judgment has ordered to be paid or that  
24 a defendant has agreed to pay in a criminal case, including probation  
25 supervision fees and problem solving court fees.

26 (2) All debts owed to the court, except restitution to crime victims,  
27 shall be paid through the clerk of the court, who shall distribute the pay-  
28 ments made as required by statute. Restitution payments may be made through  
29 the clerk of the court or as otherwise permitted under chapter 53, title 19,  
30 Idaho Code.

31 (3) When a defendant makes a payment of debts owed to the court in a  
32 criminal case, those payments shall first be distributed to completely sat-  
33 isfy the following debts in the following order before distribution of pay-  
34 ments to any other debts owed to the court:

35 (a) Court costs, that shall be distributed in the following order:

36 (i) The fee for each felony and misdemeanor paid pursuant to sec-  
37 tion 31-3201A(2), Idaho Code;

38 (ii) The court technology fee paid pursuant to section  
39 31-3201(5), Idaho Code;

40 (iii) The surcharge fee paid pursuant to section 31-3201H, Idaho  
41 Code; and

- 1 (iv) Drug court and mental health court fees paid pursuant to sec-  
2 tion 31-3201E, Idaho Code;
- 3 (b) Fines or reimbursements paid into the crime victims compensation  
4 account pursuant to section 72-1025, Idaho Code;
- 5 (c) Fines paid into the peace officer and detention officer temporary  
6 disability fund pursuant to section 72-1105, Idaho Code;
- 7 (d) Felony probation supervision fees paid pursuant to section 20-225,  
8 Idaho Code; misdemeanor probation supervision fees paid pursuant to  
9 section 31-3201D, Idaho Code; and reimbursement for confinement in a  
10 county jail paid pursuant to section 20-614(7), Idaho Code, by prison-  
11 ers on work release who are incarcerated only on nonemployment days; and  
12 (e) Restitution to victims of crimes paid pursuant to a court order for  
13 restitution issued under section 19-5304, Idaho Code, if paid through  
14 the clerk of the court.

15 SECTION 2. That Section 19-5302, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 19-5302. VICTIMS OF CRIME ~~--- RESTITUTION PRIORITY~~. If a district court  
18 or a magistrate's division orders the defendant to pay restitution, the  
19 court shall order the defendant to pay such restitution to the victim or  
20 victims injured by the defendant's action. ~~There shall be a full restitution~~  
21 ~~to such victim or victims before the court may order any payment be made by~~  
22 ~~the defendant to any governmental entity; provided, however, the court may~~  
23 ~~order the defendant to make the payments required in sections 20-225 and/or~~  
24 ~~20-614(7), Idaho Code, before any payment of restitution is made to the vic-~~  
25 ~~tim or victims.~~

26 SECTION 3. That Section 72-1025, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28 72-1025. FINES -- REIMBURSEMENTS -- ~~PRIORITY~~ --- DISPOSITION. (1) In  
29 addition to any other fine which may be imposed upon each person found guilty  
30 of criminal activity, the court shall impose a fine or reimbursement accord-  
31 ing to the following schedule, unless the court orders that such fine or re-  
32 imbursement be waived only when the defendant is indigent and at the time of  
33 sentencing shows good cause for inability to pay and written findings to that  
34 effect are entered by the court:

- 35 (a) For each conviction or finding of guilt of each felony count, a fine  
36 or reimbursement of not less than seventy-five dollars (\$75.00) per  
37 felony count;
- 38 (b) For each conviction or finding of guilt of each misdemeanor count, a  
39 fine or reimbursement of thirty-seven dollars (\$37.00) per misdemeanor  
40 count;
- 41 (c) In addition to any fine or reimbursement ordered under subsection  
42 (a) or (b) above, the court shall impose a fine or reimbursement of not  
43 less than three hundred dollars (\$300) per count for any conviction or  
44 finding of guilt for any sex offense, including, but not limited to,  
45 offenses pursuant to sections 18-1506, 18-1507, 18-1508, 18-1508A,  
46 18-6101, 18-6108, 18-6605 and 18-6608, Idaho Code.

1           ~~(2) The fine or reimbursement imposed under the provisions of this sec-~~  
2 ~~tion shall have priority over all other judgments of the court, except an or-~~  
3 ~~der to pay court costs.~~

4           ~~(3)~~ Notwithstanding the provisions of section 19-4705, Idaho Code, the  
5 fines or reimbursements imposed under the provisions of this section shall  
6 be paid into the crime victims compensation account.

7           SECTION 4. That Section 72-1105, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9           72-1105.   FUND ESTABLISHED -- FINES -- ~~PRIORITY~~ -- DISPOSITION. (1) The  
10 peace officer and detention officer temporary disability fund is hereby cre-  
11 ated in the state treasury and shall be administered by the industrial com-  
12 mission for the purpose of providing a full rate of salary for any peace offi-  
13 cer or detention officer who is injured while engaged in those activities as  
14 provided in section 72-1104, Idaho Code, and is thereby temporarily incapac-  
15 itated from performing his or her duties. Moneys shall be paid into the fund  
16 as provided by law and shall consist of fines collected pursuant to subsec-  
17 tion (2) of this section, appropriations, gifts, grants, donations and in-  
18 come from any other source. Moneys in the fund may be appropriated only for  
19 the purposes of this chapter, which shall include administrative expenses.  
20 The treasurer shall invest all idle moneys in the fund. Any interest earned  
21 on the investment of idle moneys shall be returned to the fund.

22           (2) In addition to any other fine that may be imposed upon each per-  
23 son found guilty of criminal activity, the court shall impose a fine in the  
24 amount of three dollars (\$3.00) for each conviction or finding of guilt of  
25 each felony or misdemeanor count, unless the court orders that such fine  
26 be waived only when the defendant is indigent and at the time of sentencing  
27 shows good cause for inability to pay and written findings to that effect are  
28 entered by the court.

29           ~~(3) Except as otherwise provided in section 72-1025, Idaho Code, the~~  
30 ~~fine imposed under this section shall have priority over all other judgments~~  
31 ~~of the court, except an order to pay court costs.~~

32           ~~(4)~~ Notwithstanding the provisions of section 19-4705, Idaho Code, the  
33 fines imposed under this section shall be paid into the peace officer and de-  
34 tention officer temporary disability fund.