

IN THE SENATE

SENATE BILL NO. 1340

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO COSTS OF COURT ORDERED TESTING; AMENDING SECTION 19-2608, IDAHO  
2 CODE, TO REVISE PROVISIONS RELATING TO THE COSTS OF CERTAIN COURT OR-  
3 DERED TESTING; AMENDING CHAPTER 39, TITLE 19, IDAHO CODE, BY THE ADDI-  
4 TION OF A NEW SECTION 19-3922, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR  
5 THE PAYMENT OF CERTAIN COURT ORDERED TESTS AND TO PROVIDE FOR A WAIVER OF  
6 SUCH REQUIREMENTS; AMENDING SECTION 20-225, IDAHO CODE, TO PROVIDE PRO-  
7 VISIONS RELATING TO COURT ORDERED COSTS AND FEES; AND AMENDING SECTION  
8 31-3201D, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO COURT ORDERED  
9 COSTS AND FEES.  
10

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

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

14 19-2608. PAYMENT OF COURT ORDERED TESTS OF BREATH OR BODILY FLU-  
15 IDS. Whenever a court orders testing of breath or bodily fluids as a  
16 condition of probation, such costs for the tests shall be paid for by the pro-  
17 bationer in addition to any supervision fee authorized under section 20-225  
18 or 31-3201D, Idaho Code, to the ~~governmental~~ agency providing the testing,  
19 provided the court may waive this requirement upon a showing of cause.

20 SECTION 2. That Chapter 39, Title 19, Idaho Code, be, and the same is  
21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
22 ignated as Section 19-3922, Idaho Code, and to read as follows:

23 19-3922. PAYMENT OF COURT ORDERED TESTS OF BREATH OR BODILY  
24 FLUID. Whenever a court orders testing of breath or bodily fluids as a con-  
25 dition of probation, such costs for the tests shall be paid for by the proba-  
26 tioner in addition to any supervision fee authorized under section 31-3201D,  
27 Idaho Code, to the agency providing the testing, provided the court may waive  
28 this requirement upon a showing of cause.

29 SECTION 3. That Section 20-225, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 20-225. PAYMENT FOR COST OF SUPERVISION. Any person under state pro-  
32 bation or parole supervision shall be required to contribute not more than  
33 seventy-five dollars (\$75.00) per month as determined by the board of cor-  
34 rection. Costs of supervision are the direct and indirect costs incurred  
35 by the department of correction to supervise probationers and parolees, in-  
36 cluding tests to determine drug and alcohol use, books and written materi-  
37 als to support rehabilitation efforts, and monitoring of physical location  
38 through the use of technology. Any failure to pay such contribution shall  
39 constitute grounds for the revocation of probation by the court or the revo-

1 cation of parole by the commission for pardons and parole. The division of  
2 probation and parole in the department of correction may exempt a person from  
3 the payment of all or any part of the foregoing contribution if it finds any  
4 of the following factors to exist:

5 (1) The offender has diligently attempted but been unable to obtain em-  
6 ployment.

7 (2) The offender has a disability affecting employment, as determined  
8 by a physical, psychological or psychiatric examination acceptable to the  
9 division of probation and parole.

10 Money collected as a fee for services will be placed in the probation and pa-  
11 role receipts revenue fund, which is hereby created in the dedicated fund in  
12 the state treasury, and utilized to provide supervision for clients. Moneys  
13 in the probation and parole receipts revenue fund may be expended only after  
14 appropriation by the legislature. This section shall not restrict the court  
15 from ordering the payment of other costs and fees that, by law, may be imposed  
16 on persons who have been found guilty of or have pled guilty to a criminal of-  
17 fense, including those who have been placed on probation or parole.

18 SECTION 4. That Section 31-3201D, Idaho Code, be, and the same is hereby  
19 amended to read as follows:

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

30 (2) Any fee paid under this section on or after July 1, 2008, and regard-  
31 less of whether the underlying judgment of conviction, withheld judgment or  
32 order imposing probation was entered before or after that date, shall be paid  
33 to the clerk of the district court, who shall pay the first one dollar (\$1.00)  
34 of each monthly payment to the state treasurer for deposit in the peace offi-  
35 cers standards and training fund authorized in section 19-5116, Idaho Code,  
36 to help offset the costs to counties for the basic training, continuing ed-  
37 ucation and certification of misdemeanor probation officers whether those  
38 officers are employees of or by private sector contract with a county; the  
39 clerk of the district court shall deposit the remainder of each monthly pay-  
40 ment into the county misdemeanor probation fund which is hereby created in  
41 each county, or at the option of the board of county commissioners, deposited  
42 in the county justice fund to be used for the purposes described in this sec-  
43 tion. Moneys from this fee may be accumulated from year to year and shall be  
44 expended exclusively for county misdemeanor probation services and related  
45 purposes.

46 (3) This section shall not restrict the court from ordering the payment  
47 of other costs and fees that, by law, may be imposed on persons who have been  
48 found guilty of or have pled guilty to a criminal offense, including those  
49 who have been placed on probation or parole.