

IN THE SENATE

SENATE BILL NO. 1093

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO PRETRIAL SUPERVISION; AMENDING CHAPTER 8, TITLE 31, IDAHO CODE,
2 BY THE ADDITION OF A NEW SECTION 31-880, IDAHO CODE, TO PROVIDE FOR CER-
3 TAIN PRETRIAL RELEASE SUPERVISION SERVICES AND TO PROVIDE THAT COUNTIES
4 SHALL NOT HAVE CERTAIN OBLIGATIONS; AMENDING SECTION 31-3201I, IDAHO
5 CODE, TO PROVIDE FOR PRETRIAL RELEASE SUPERVISION FEES; AND AMEND-
6 ING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
7 31-3201J, IDAHO CODE, TO PROVIDE FOR A PRETRIAL SUPERVISION FEE, TO PRO-
8 VIDE FOR CERTAIN REQUIREMENTS AND PROCEDURES FOR A PRETRIAL SUPERVISION
9 FEE, TO PROVIDE FOR CERTAIN ADDITIONAL FEES, AND TO PROVIDE AN EXEMPTION
10 IN CERTAIN INSTANCES.
11

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

13 SECTION 1. That Chapter 8, Title 31, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 31-880, Idaho Code, and to read as follows:

16 31-880. PRETRIAL RELEASE SUPERVISION SERVICES. The board of county
17 commissioners may establish a supervised pretrial release program to per-
18 form those functions as prescribed by the administrative district judge in
19 each judicial district. The board of county commissioners may provide for
20 supervised pretrial release services through employment of staff, contract,
21 or any other process that will accomplish the purposes of this section. A
22 board of county commissioners shall not be obligated to establish a super-
23 vised pretrial release program. Counties having established a supervised
24 pretrial release program shall not be obligated to provide supervised pre-
25 trial release services beyond the funds generated by the fees collected
26 pursuant to the provisions of section 31-3201J, Idaho Code, and any ad-
27 ditional funds that may be annually appropriated by the board of county
28 commissioners.

29 SECTION 2. That Section 31-3201I, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 31-3201I. DISTRIBUTION OF PAYMENTS IN CRIMINAL CASES. When ordered by
32 the court to make one (1) of the following payments in a criminal case, a de-
33 fendant shall make the payment to the clerk of the court in which the judg-
34 ment was entered. The judgment shall be satisfied accordingly by entry in
35 the electronic docket of the court, and the clerk of the court shall remit
36 daily all such payments to the county auditor who shall, at least monthly,
37 distribute the payments received as required by statute. The distributions
38 shall first completely satisfy the amounts due in the following order before
39 distribution of payments for any other amounts owed to the court:

1 (1) Fees for each felony, misdemeanor and infraction paid pursuant to
2 section 31-3201A(2), Idaho Code;

3 (2) Fines or reimbursements paid for the crime victims compensation ac-
4 count pursuant to section 72-1025, Idaho Code;

5 (3) Misdemeanor probation supervision fees paid pursuant to section
6 31-3201D, Idaho Code;

7 (4) Pretrial release supervision fees paid pursuant to section
8 31-3201J, Idaho Code;

9 (5) County drug and mental health fund fees paid pursuant to section
10 31-3201E, Idaho Code;

11 (~~5~~6) Fines paid for the peace officer and detention officer temporary
12 disability fund pursuant to section 72-1105, Idaho Code;

13 (~~6~~7) Restitution to victims of crime paid pursuant to section 19-5304,
14 Idaho Code, if paid through the clerk of the court;

15 (~~7~~8) Community service fees paid pursuant to section 31-3201C, Idaho
16 Code;

17 (~~8~~9) Victim notification fund fees paid pursuant to section 31-3204,
18 Idaho Code;

19 (~~9~~10) Court technology fees paid pursuant to section 31-3201(5), Idaho
20 Code;

21 (~~10~~1) Surcharge fees paid pursuant to section 31-3201H, Idaho Code;

22 (~~11~~2) Peace officers standards and training fees paid pursuant to sec-
23 tion 31-3201B, Idaho Code;

24 (~~12~~3) Domestic violence court fees paid pursuant to section 32-1410,
25 Idaho Code;

26 (~~13~~4) Criminal fines;

27 (~~14~~5) Reimbursement for public defender costs paid pursuant to section
28 19-854(7), Idaho Code;

29 (~~15~~6) Costs of prosecution ordered as a condition of probation and paid
30 pursuant to section 19-2601, Idaho Code, and Idaho criminal rule 33(d)(2);

31 (~~16~~7) Domestic violence fines for the domestic violence project account
32 paid pursuant to section 39-6312, Idaho Code;

33 (~~17~~8) Drug hotline fees paid pursuant to section 37-2735A, Idaho Code;

34 (~~18~~9) Additional fish and game fines for the search and rescue account
35 paid pursuant to section 36-1405, Idaho Code;

36 (~~19~~20) County administrative surcharge fees paid pursuant to section
37 31-3201(3), Idaho Code;

38 (~~20~~1) Motor vehicle violation surcharge fees and ignition interlock and
39 electronic monitoring fees paid pursuant to sections 18-8008 and 18-1810,
40 Idaho Code;

41 (~~21~~2) Costs for toxicology testing paid pursuant to section
42 37-2732C(g), Idaho Code;

43 (~~22~~3) Costs incurred by law enforcement agencies in investigating vio-
44 lations of the racketeering act or money laundering and illegal investment
45 provisions paid pursuant to section 37-2732(k), Idaho Code;

46 (~~23~~4) Restitution for the repair or replacement of simulated wildlife
47 paid pursuant to section 36-1101(b)(8), Idaho Code; and

48 (~~24~~5) Abandoned vehicle fees paid pursuant to section 31-3201F, Idaho
49 Code.

1 SECTION 3. That Chapter 32, Title 31, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 31-3201J, Idaho Code, and to read as follows:

4 31-3201J. PRETRIAL SUPERVISION FEE. (1) Any person under a supervised
5 pretrial release program may be required to pay an amount not more than the
6 maximum monthly misdemeanor probation supervision fee set forth in section
7 31-3201D, Idaho Code, per month, or such lesser sum as determined by the ad-
8 ministrative judge of the judicial district, as a pretrial release supervi-
9 sion fee to cover the actual costs of supervising the defendant while in the
10 supervised pretrial release program.

11 (2) A defendant shall not be required to pay the pretrial supervision
12 fee authorized in subsection (1) of this section until after a judgment of
13 conviction is entered for at least one (1) of the charges for which the defen-
14 dant has been ordered to participate in a supervised pretrial release pro-
15 gram.

16 (3) The pretrial supervision fee shall be paid to the clerk of the
17 court, who shall pay such fees to the county treasurer. Such fees shall be
18 used exclusively to cover the costs of the pretrial services provided by the
19 pretrial services agency that has been designated to provide such services.

20 (4) The court may also order the defendant to pay additional fees to
21 cover the actual costs of electronic monitoring, alcohol testing, or drug
22 testing if such monitoring or testing is a condition of the defendant's re-
23 lease. Such additional fees may be paid to the clerk of the court or directly
24 to the provider of the service. If fees are paid to the clerk of the court,
25 the clerk of the court shall pay such fees to the county treasurer and such
26 fees shall be used exclusively to cover the costs for which the additional
27 fees have been ordered.

28 (5) Based on a finding of indigence or other good cause, the court may
29 exempt the defendant from the payment of all or any part of the fees autho-
30 rized by this section, and no defendant shall be denied release or denied
31 participation in a supervised pretrial release program because of an inabil-
32 ity to pay the fees authorized by this section. Any unpaid pretrial services
33 fee shall be considered a debt owed to the court and may be collected in the
34 manner provided by law for the collection of such debts.