

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 500

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO JUVENILE CORRECTIONS; AMENDING SECTION 16-2405, IDAHO CODE,  
2 TO PROVIDE A CERTAIN EXCEPTION REGARDING CHARGES TO PARENTS; AMENDING  
3 SECTION 16-2433, IDAHO CODE, TO PROVIDE A CERTAIN EXCEPTION REGARDING  
4 CHARGES TO PARENTS; AMENDING SECTION 19-854, IDAHO CODE, TO PROVIDE  
5 THAT CERTAIN PERSONS SHALL BE PRESUMED INDIGENT; AMENDING SECTION  
6 19-3922, IDAHO CODE, TO PROVIDE THAT JUVENILES, THEIR PARENTS, AND  
7 OTHER LEGALLY OBLIGATED PERSONS SHALL NOT BE RESPONSIBLE FOR CERTAIN  
8 COSTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 19-4708,  
9 IDAHO CODE, TO PROVIDE THAT JUVENILES, THEIR PARENTS, AND OTHER LEGALLY  
10 OBLIGATED PERSONS SHALL NOT BE CHARGED CERTAIN FEES AND COSTS AND TO  
11 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-5608, IDAHO CODE, TO  
12 PROVIDE THAT JUVENILES, THEIR PARENTS, AND OTHER LEGALLY OBLIGATED  
13 PERSONS SHALL NOT BE CHARGED A CERTAIN FEE; AMENDING SECTION 20-225,  
14 IDAHO CODE, TO PROVIDE THAT JUVENILES, THEIR PARENTS, AND OTHER LEGALLY  
15 OBLIGATED PERSONS SHALL NOT BE CHARGED CERTAIN FEES; AMENDING SECTION  
16 20-501, IDAHO CODE, TO REVISE LEGISLATIVE INTENT; AMENDING SECTION  
17 20-511, IDAHO CODE, TO REMOVE PROVISIONS REGARDING FEES FOR JUVENILES  
18 AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-511A, IDAHO  
19 CODE, TO REMOVE A PROVISION REGARDING COSTS AND FEES FOR JUVENILES AND  
20 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-514, IDAHO CODE,  
21 TO REVISE A PROVISION REGARDING COMPENSATION FOR COUNSEL, TO REMOVE  
22 PROVISIONS REGARDING JUVENILES AND TO MAKE A TECHNICAL CORRECTION;  
23 AMENDING SECTION 20-516A, IDAHO CODE, TO REMOVE PROVISIONS REGARDING  
24 FEES; AMENDING SECTION 20-519A, IDAHO CODE, TO REVISE PROVISIONS RE-  
25 GARDING EXAMINATION OF A JUVENILE AND TO MAKE TECHNICAL CORRECTIONS;  
26 AMENDING SECTION 20-519B, IDAHO CODE, TO REMOVE PROVISIONS REGARDING A  
27 COMPETENCY RESTORATION PROGRAM FOR JUVENILES; AMENDING SECTION 20-520,  
28 IDAHO CODE, TO REMOVE PROVISIONS REGARDING CHARGES AND FEES AND TO MAKE  
29 TECHNICAL CORRECTIONS; AMENDING SECTION 20-522, IDAHO CODE, TO REMOVE  
30 PROVISIONS REGARDING A CERTAIN CHARGE TO A PARENT, LEGAL GUARDIAN, OR  
31 CUSTODIAN; REPEALING SECTION 20-524, IDAHO CODE, RELATING TO SUPPORT OF  
32 A JUVENILE OR JUVENILE OFFENDER AND REIMBURSEMENT FOR COSTS INCURRED;  
33 AMENDING SECTION 20-529, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
34 FUNDS AND FEES; AMENDING SECTION 20-532, IDAHO CODE, TO PROVIDE A COR-  
35 RECT CODE REFERENCE; AMENDING CHAPTER 5, TITLE 20, IDAHO CODE, BY THE  
36 ADDITION OF A NEW SECTION 20-550, IDAHO CODE, TO PROVIDE THAT CERTAIN  
37 FEES ASSESSED AGAINST JUVENILES SHALL BE VOID, UNCOLLECTIBLE, AND UN-  
38 ENFORCEABLE; AMENDING SECTION 31-870, IDAHO CODE, TO PROHIBIT A BOARD  
39 OF COUNTY COMMISSIONERS FROM IMPOSING OR COLLECTING CERTAIN FEES AND  
40 TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3201, IDAHO CODE,  
41 TO PROHIBIT A CLERK OF THE DISTRICT COURT FROM IMPOSING OR COLLECT-  
42 ING CERTAIN FEES; AMENDING SECTION 31-3201A, IDAHO CODE, TO PROVIDE  
43 A CERTAIN EXCEPTION REGARDING THE JUVENILE CORRECTIONS ACT AND TO  
44 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3201B, IDAHO CODE, TO  
45

1 PROHIBIT A COURT FROM CHARGING A CERTAIN FEE TO JUVENILES; AMENDING SEC-  
2 TION 31-3201C, IDAHO CODE, TO PROHIBIT A COURT FROM CHARGING A CERTAIN  
3 FEE TO JUVENILES; AMENDING SECTION 31-3201D, IDAHO CODE, TO PROVIDE  
4 A CERTAIN EXEMPTION REGARDING THE JUVENILE CORRECTIONS ACT; AMENDING  
5 SECTION 31-3201E, IDAHO CODE, TO PROVIDE A CERTAIN EXEMPTION REGARDING  
6 THE JUVENILE CORRECTIONS ACT AND TO MAKE A TECHNICAL CORRECTION; AND  
7 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

9 SECTION 1. That Section 16-2405, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 16-2405. CHARGES TO PARENTS. Parents may be charged for services pro-  
12 vided to their children by the department according to the sliding fee scale  
13 authorized by section 16-2433, Idaho Code, provided that all services which  
14 are part of the child's free appropriate public education as defined in the  
15 individuals with disabilities education act, 20 U.S.C. 1400 et seq., as  
16 amended, shall be provided to the child at no cost to the parents; however, no  
17 fee for services ordered pursuant to proceedings under the juvenile correc-  
18 tions act, chapter 5, title 20, Idaho Code, shall be assessed against a child  
19 or the child's parents or other legally obligated person.

20 SECTION 2. That Section 16-2433, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22 16-2433. DEPARTMENT RULES. The director is authorized to promulgate  
23 rules necessary to implement this chapter that are consistent with its pro-  
24 visions including the development of a schedule of fees to be charged to  
25 parents by the department for services, based on the cost of services and  
26 the ability of parents to pay; however, no fee for services ordered pursuant  
27 to proceedings under the juvenile corrections act, chapter 5, title 20,  
28 Idaho Code, shall be assessed against a child or the child's parents or other  
29 legally obligated person.

30 SECTION 3. That Section 19-854, Idaho Code, be, and the same is hereby  
31 amended to read as follows:

32 19-854. DETERMINATION OF INDIGENCY -- FACTORS CONSIDERED -- PARTIAL  
33 PAYMENT BY ACCUSED -- REIMBURSEMENT. (1) The determination of whether a per-  
34 son covered under section 19-852, Idaho Code, is an indigent person shall  
35 be deferred until his first appearance in court or in a suit for payment or  
36 reimbursement under section 19-858, Idaho Code, whichever occurs earlier.  
37 Thereafter, the court concerned shall determine, with respect to each pro-  
38 ceeding, whether he is an indigent person.

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

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

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

4 (c) Persons who are currently serving a sentence in a correctional fa-  
 5 cility or are being housed in a mental health facility; and

6 (d) Juveniles or their parents or other legally obligated person for  
 7 the purpose of any case brought under the juvenile corrections act,  
 8 chapter 5, title 20, Idaho Code.

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

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

18 (5) In each case, the person shall, subject to the penalties for per-  
 19 jury, certify in writing or by other record such material factors relating to  
 20 his ability to pay as the court prescribes by rule. No information provided  
 21 by a person pursuant to this subsection may be used as substantive evidence  
 22 in any criminal or civil proceeding against the person except:

23 (a) For impeachment purposes;

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

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

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

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

41 SECTION 4. That Section 19-3922, Idaho Code, be, and the same is hereby  
 42 amended to read as follows:

43 19-3922. PAYMENT OF COURT-ORDERED TESTS OF BREATH OR BODILY  
 44 FLUID. Whenever a court orders testing of breath or bodily fluids as a  
 45 condition of probation, such costs for the tests shall be paid for by the  
 46 probationer in addition to any supervision fee authorized under section  
 47 31-3201D, Idaho Code, to the agency providing the testing, provided the  
 48 court may waive this requirement upon a showing of cause. Juveniles or their  
 49 parents or other legally obligated person shall not be responsible for cov-

1 ering these costs for any case brought under the juvenile corrections act,  
2 chapter 5, title 20, Idaho Code.

3 SECTION 5. That Section 19-4708, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 19-4708. COLLECTION OF DEBTS OWED TO COURTS -- CONTRACTS FOR COLLEC-  
6 TION. (1) The supreme court, or the clerks of the district court with the ap-  
7 proval of the administrative district judge, may enter into contracts in ac-  
8 cordance with this section for collection services for debts owed to courts.  
9 The cost of collection shall be paid by the defendant ~~or juvenile offender~~ as  
10 an administrative surcharge when the defendant ~~or juvenile offender~~ fails to  
11 pay any amount ordered by the court and the court utilizes the services of a  
12 contracting agent pursuant to this section.

13 (2) As used in this section:

14 (a) "Contracting agent" means a person, firm or other entity who con-  
15 tracts to provide collection services.

16 (b) "Cost of collection" means the fee specified in contracts to be paid  
17 to or retained by a contracting agent for collection services.

18 (c) "Debts owed to courts" means any assessment of fines, court costs,  
19 surcharges, penalties, fees, restitution, moneys expended in providing  
20 counsel and other defense services to indigent defendants ~~or juvenile~~  
21 ~~offenders~~ or other charges which a court judgment or disposition has or-  
22 dered to be paid to the court in civil, ~~or~~ criminal, ~~or~~ juvenile cases,  
23 and which remain unpaid, in whole or in part, and includes any interest  
24 or penalties on such unpaid amounts as provided for in the judgment or by  
25 law.

26 (3) The supreme court may adopt rules as deemed appropriate for the ad-  
27 ministration of this section, including procedures to be used in the negoti-  
28 ation and execution of contracts pursuant to this section, procedures to be  
29 followed by courts which utilize collection services under such contracts,  
30 and procedures for the compromise of debts owed to courts in criminal ~~or ju-~~  
31 ~~venile~~ cases.

32 (4) Each contract entered into pursuant to this section shall specify  
33 the scope of work to be performed and provide for a fee to be paid to or re-  
34 tained by the contracting agent for collection services. Such fee shall be  
35 designated as the cost of collection and shall not exceed thirty-three per-  
36 cent (33%) of the amount collected. The cost of collection shall be deducted  
37 from the amount collected but shall not be deducted from the debts owed to  
38 courts.

39 (5) Contracts entered into shall provide for the payment of any amounts  
40 collected to the clerk of the district court for the court in which the debt  
41 being collected originated after first deducting the collection fee. In ac-  
42 counting for amounts collected from any person pursuant to this section, the  
43 district court clerk shall credit the person's amount owed in the amount of  
44 the net proceeds collected and shall not reduce the amount owed by any person  
45 by that portion of any payment which constitutes the cost of collection pur-  
46 suant to this section.

47 (6) With the appropriate cost of collection paid to the contracting  
48 agent as agreed upon in the contract, the clerk shall then distribute the  
49 amounts collected in accordance with the law.

1        (7) The supreme court or clerk of the court may not impose collection  
 2 fees on or collect collection fees from juveniles or their parents or other  
 3 legally obligated person in connection with a case brought under the juve-  
 4 nile corrections act, chapter 5, title 20, Idaho Code.

5        SECTION 6. That Section 19-5608, Idaho Code, be, and the same is hereby  
 6 amended to read as follows:

7        19-5608. DRUG COURT AND MENTAL HEALTH COURT FEE. Each person, except  
 8 juveniles or their parents or other legally obligated person for any case  
 9 brought under the juvenile corrections act, chapter 5, title 20, Idaho Code,  
 10 admitted into a drug court or mental health court shall pay the drug court and  
 11 mental health court fee as established in section 31-3201E, Idaho Code.

12        SECTION 7. That Section 20-225, Idaho Code, be, and the same is hereby  
 13 amended to read as follows:

14        20-225. PAYMENT FOR COST OF SUPERVISION. (1) Any person under state  
 15 probation or parole supervision shall be required to contribute not more  
 16 than seventy-five dollars (\$75.00) per month as determined by the board of  
 17 correction. Costs of supervision are the direct and indirect costs incurred  
 18 by the department of correction to supervise probationers and parolees,  
 19 including tests to determine drug and alcohol use, books and written materi-  
 20 als to support rehabilitation efforts, and monitoring of physical location  
 21 through the use of technology. Any failure to pay such contribution shall  
 22 constitute grounds for the revocation of probation by the court or the revo-  
 23 cation of parole by the commission for pardons and parole. The division of  
 24 probation and parole in the department of correction may exempt a person from  
 25 the payment of all or any part of the foregoing contribution if it finds any  
 26 of the following factors to exist:

27        (1a) The offender has diligently attempted but been unable to obtain  
 28 employment.

29        (2b) The offender has a disability affecting employment, as determined  
 30 by a physical, psychological or psychiatric examination acceptable to  
 31 the division of probation and parole.

32        (2) Money collected as a fee for services will be placed in the proba-  
 33 tion and parole receipts revenue fund, which is hereby created in the ded-  
 34 icated fund in the state treasury, and utilized to provide supervision for  
 35 clients. Moneys in the probation and parole receipts revenue fund may be ex-  
 36 pended only after appropriation by the legislature. This section shall not  
 37 restrict the court from ordering the payment of other costs and fees that,  
 38 by law, may be imposed on persons who have been found guilty of or have pled  
 39 guilty to a criminal offense, including those who have been placed on proba-  
 40 tion or parole.

41        (3) The department of correction may not impose supervision fees on or  
 42 collect supervision fees from juveniles or their parents or other legally  
 43 obligated person for any case brought under the juvenile corrections act,  
 44 chapter 5, title 20, Idaho Code.

45        SECTION 8. That Section 20-501, Idaho Code, be, and the same is hereby  
 46 amended to read as follows:

1           20-501. LEGISLATIVE INTENT. (1) It is the policy of the state of Idaho  
2 that the juvenile corrections system will be based on the following prin-  
3 ciples: accountability, community protection, and competency development.  
4 Where a juvenile has been found to be within the purview of the juvenile cor-  
5 rections act, the court shall impose a sentence that will protect the com-  
6 munity, hold the juvenile offender accountable for his actions, and assist  
7 the juvenile offender in developing skills to become a contributing member  
8 of a diverse community. It is the further policy of the state of Idaho that  
9 the parents or other legal guardians of the juvenile offender participate in  
10 the accomplishment of these goals through participation in counseling and  
11 treatment designed to develop positive parenting skills and an understand-  
12 ing of the family's role in the juvenile offender's behavior. It is the fur-  
13 ther intent of the legislature that the parents of the juvenile offender be  
14 held accountable, where appropriate, through ~~monetary reimbursement for su-~~  
15 ~~per~~~~vision and confinement of the juvenile offender~~ and restitution to vic-  
16 tims of the juvenile offender's delinquent acts. It is not the policy of the  
17 state of Idaho to generate revenue through imposing court-related fees on  
18 juveniles or their parents or other legally obligated person. In enacting  
19 this legislation, the legislature finds that the juvenile corrections sys-  
20 tem should encompass the following aspects: diversion, day treatment, com-  
21 munity programs, observation and assessment programs, probation services,  
22 secure facilities, aftercare, and assistance to counties for juvenile of-  
23 fenders not committed to the custody of the department of juvenile correc-  
24 tions.

25           (2) The following is a brief description of what the legislature in-  
26 tends to become the components of Idaho's juvenile corrections system:

27           (a) Diversion. An alternative to formal prosecution of a juvenile of-  
28 fense. Diversions seek to hold a juveniles accountable for his their  
29 actions through various interventions while redirecting youth away  
30 from formal processing in the juvenile justice system.

31           (b) Probation. Probation officers have twenty-four (24) hour on-call  
32 responsibility for juvenile offenders and monitor their activities  
33 on a continual basis. Probation officers are responsible for assist-  
34 ing juvenile offenders and their families in accessing counseling or  
35 treatment resources, close supervision of juvenile offenders' activ-  
36 ities, supervision of restitution, and coordination of other services  
37 provided to juvenile offenders. Juvenile offenders ordered into the  
38 custody of the department of juvenile corrections would be monitored by  
39 a county probation officer.

40           (c) Day treatment. Day treatment programs are time-limited nonresi-  
41 dential treatment and educational programs. Included in these programs  
42 may be trackers who provide intensive supervision of juvenile offenders  
43 through daily contact and by counseling juvenile offenders regarding  
44 employment, education, courts, family, and life skills. Nonresiden-  
45 tial alcohol and drug programs provide outpatient assessment and coun-  
46 seling for juvenile offenders with substance abuse problems.

47           (d) Community programs. It is intended that community programs will  
48 exist throughout the state to provide residential supervision and  
49 treatment options to juvenile offenders in close proximity to their  
50 families and their community. It is intended that these programs will

1 strengthen the juvenile ~~offender's~~ offenders' relationships with  
2 family, engender a commitment to school and employment, promote the  
3 development of competency and life skills, and help juvenile offenders  
4 generalize appropriate behavior into their environment.

5 (e) Observation and assessment. Regional observation and assessment  
6 centers are provided, either directly or on a contract basis, to conduct  
7 observation and assessment of the juvenile offender in a short-term  
8 residential experience. It is intended that these programs would  
9 maintain standardized home and daily routines with intensive daily pro-  
10 gramming.

11 (f) Secure facilities. Secure facilities provide secure confinement,  
12 discipline, education, and treatment of the most seriously delinquent  
13 juvenile offenders. Programs at the secure facilities are designed  
14 to help juvenile offenders recognize accountability for delinquent  
15 behavior by confronting and eliminating delinquent norms, criminal  
16 thinking, and antisocial behavior and by making restitution to victims  
17 through community service or other restitution programs.

18 (3) It is the further intent of the legislature that the primary pur-  
19 pose of this act is to provide a continuum of programs that emphasize the ju-  
20 venile offender's accountability for his actions while assisting him in the  
21 development of skills necessary to function effectively and positively in  
22 the community in a manner consistent with public safety. These services and  
23 programs will individualize treatment and control of the juvenile offender  
24 for the benefit of the juvenile offender and the protection of society. It is  
25 legislative intent that the department of juvenile corrections be operated  
26 within the framework of the following principles to accomplish this mission:

27 (a) Provide humane, disciplined confinement to a juvenile offender who  
28 presents a danger to the community.

29 (b) Strengthen opportunities for the juvenile offender's development  
30 of competency and life skills by expanding the juvenile offender's ac-  
31 cess to applicable programs and community resources.

32 (c) Hold juvenile offenders accountable for their delinquent behavior  
33 through such means as victim restitution, and community service pro-  
34 grams ~~and the sharing of correctional costs.~~

35 (d) Invoke the participation of the juvenile offender's parent or legal  
36 guardian in assisting the juvenile offender to recognize and accept  
37 responsibility for his delinquent or other antisocial behavior and  
38 hold the parent accountable, where appropriate, through the payment of  
39 ~~detention costs and~~ restitution to victims and through attendance at  
40 programs for the development of positive parenting skills designed to  
41 promote a functional relationship between the juvenile offender and his  
42 family.

43 (e) Develop efficient and effective juvenile correctional programs  
44 within the framework of professional correctional standards, legisla-  
45 tive intent, and available resources.

46 (f) Provide for a diversity of innovative and effective programs  
47 through research on delinquent behavior and the continuous evaluation  
48 of correctional programs. Innovative and effective programs should be  
49 evidence-based, as demonstrated through empirical research.

1 (g) Assist counties in developing meaningful programs for juvenile of-  
 2 fenders who have come into the juvenile corrections system but who have  
 3 not been committed to the custody of the department of juvenile correc-  
 4 tions.

5 (h) Provide programs to increase public awareness of the mission of the  
 6 juvenile corrections system and to encourage public participation in  
 7 developing an effective juvenile corrections system designed to aid in  
 8 reducing juvenile crime in this state.

9 (i) Develop and maintain a statewide juvenile offender information  
 10 system.

11 SECTION 9. That Section 20-511, Idaho Code, be, and the same is hereby  
 12 amended to read as follows:

13 20-511. DIVERSION OR INFORMAL DISPOSITION OF THE PETITION. (1) Prior  
 14 to the filing of any petition under this act, the prosecuting attorney may  
 15 request a preliminary inquiry from the county probation officer to determine  
 16 whether the interest of the public or the juvenile requires a formal court  
 17 proceeding. If court action is not required, the prosecuting attorney may  
 18 utilize the diversion process and refer the case directly to the county  
 19 probation officer or a community-based diversion program for informal pro-  
 20 bation and counseling. If the diversion process is utilized pursuant to this  
 21 subsection, then statements made by a juvenile in a diversion proceeding  
 22 shall be inadmissible at an adjudicative proceeding on the underlying charge  
 23 as substantive evidence of guilt. ~~If community service is going to be uti-~~  
 24 ~~lized pursuant to this subsection, the prosecuting attorney shall collect a~~  
 25 ~~fee of sixty cents (60¢) per hour for each hour of community service work the~~  
 26 ~~juvenile is going to perform and remit the fee to the state insurance fund~~  
 27 ~~for the purpose of securing worker's compensation insurance for the juvenile~~  
 28 ~~offender performing community service. However, if a county is self-insured~~  
 29 ~~and provides worker's compensation insurance for persons performing commu-~~  
 30 ~~nity service pursuant to the provisions of this chapter, then remittance to~~  
 31 ~~the state insurance fund is not required.~~

32 (2) After the petition has been filed and where the juvenile offender  
 33 admits to the allegations contained in the petition, the court may decide to  
 34 make an informal adjustment of the petition. Informal adjustment includes,  
 35 but is not limited to:

- 36 (a) Reprimand of the juvenile offender;
- 37 (b) Informal supervision with the probation department;
- 38 (c) Community service work;
- 39 (d) Restitution to the victim; and
- 40 (e) Participation in a community-based diversion program.

41 (3) The court shall dismiss the case if:

- 42 (a) An informal adjustment has been granted and the juvenile offender  
 43 has satisfied the terms or conditions of the informal adjustment;
- 44 (b) The court is convinced by the showing made that there is no longer  
 45 cause for continuing the period of informal adjustment; and
- 46 (c) It is compatible with the public interest.

47 (4) Information uniquely identifying the juvenile offender, the of-  
 48 fense, and the type of program utilized shall be forwarded to the department.  
 49 This information shall be maintained by the department in a statewide ju-



1 juvenile offender information system. Access to the information shall be  
 2 controlled by the department, subject to the provisions of section 74-113,  
 3 Idaho Code.

4 (5) Such informal adjustment of the petition shall be conducted in the  
 5 manner prescribed by the Idaho juvenile rules. ~~When an informal adjustment  
 6 is made pursuant to this section and the juvenile offender is to perform  
 7 community service work, the court shall assess the juvenile offender a fee  
 8 of sixty cents (60¢) per hour for each hour of community service work the  
 9 juvenile offender is to perform. This fee shall be remitted by the court to  
 10 the state insurance fund for the purpose of securing worker's compensation  
 11 insurance for the juvenile offender performing community service. However,  
 12 if a county is self-insured and provides worker's compensation insurance  
 13 for persons performing community service pursuant to the provisions of this  
 14 chapter, then remittance to the state insurance fund is not required.~~

15 SECTION 10. That Section 20-511A, Idaho Code, be, and the same is hereby  
 16 amended to read as follows:

17 20-511A. MENTAL HEALTH ASSESSMENTS AND PLANS OF TREATMENT. (1) A judge  
 18 of any court shall order the department of health and welfare to submit ap-  
 19 propriate mental health assessments and a plan of treatment for the court's  
 20 approval if at any stage of a proceeding under this chapter or the child pro-  
 21 tective act, chapter 16, title 16, Idaho Code, a judge has reason to believe,  
 22 based upon the record and proceedings of the court or upon an affidavit of a  
 23 party, state or county agency or any person having physical custody of the  
 24 juvenile or juvenile offender, that he or she:

25 (a) Is suffering a substantial increase or persistence of a serious  
 26 emotional disturbance as defined in section 16-2403, Idaho Code, ~~which~~  
 27 that impairs his or her ability to comply with the orders and directives  
 28 of the court, or which presents a risk to his or her safety or well-being  
 29 or the safety of others; and

30 (b) Such condition has not been adequately addressed with supportive  
 31 services and/or corrective measures previously provided to the juve-  
 32 nile, or the juvenile's needs with respect to the serious emotional dis-  
 33 turbance are not being met or have not been met.

34 (2) The court may convene a screening team consisting of representa-  
 35 tives from the department of health and welfare, county probation, local  
 36 school officials, teen early intervention specialists as provided for un-  
 37 der section 16-2404A, Idaho Code, the department of juvenile corrections  
 38 and/or other agencies or persons designated by the court to review the plan  
 39 of treatment and provide written recommendations to the court. Parents  
 40 and guardians of the juvenile or juvenile offender, if available, shall  
 41 be included in the screening team and consulted with regard to the plan of  
 42 treatment.

43 (3) If the court, after receiving the mental health assessment and plan  
 44 of treatment submitted by the department of health and welfare and any recom-  
 45 mendations from the screening team, determines that additional information  
 46 is necessary to determine whether the conditions set forth in subsections  
 47 (1) (a) and ~~(1)~~ (b) of this section are present, or to determine an appropriate  
 48 plan of treatment for the juvenile or juvenile offender, the court may order  
 49 an evaluation and/or recommendations for treatment to be furnished by a psy-

1 chiatrist, licensed physician or licensed psychologist, with the expenses  
2 of such evaluation and/or recommendations to be borne by the department of  
3 health and welfare.

4 (4) If the court concludes that the conditions set forth in subsections  
5 (1) (a) and ~~(1) (b)~~ of this section are present, the plan of treatment, as  
6 approved by the court, shall be entered into the record as an order of the  
7 court. The department of health and welfare shall provide mental health  
8 treatment as designated by the approved plan of treatment. If in-patient  
9 or residential treatment is required as part of the plan of treatment, the  
10 court shall hold a hearing on whether to order such treatment unless the  
11 hearing is waived by the juvenile or juvenile offender and his or her parents  
12 or guardians. The court may order parents, legal guardians or custodians  
13 to adhere to the treatment designated in the plan of treatment. Represent-  
14 tives from the department of health and welfare, county probation, local  
15 school officials, teen early intervention specialists as provided for under  
16 section 16-2404A, Idaho Code, the department of juvenile corrections and/or  
17 other agencies or persons designated by the court shall attend case review  
18 hearings as scheduled by the court.

19 ~~(5) All costs associated with assessment and treatment shall be the re-~~  
20 ~~sponsibility of the parents of the juvenile or juvenile offender according~~  
21 ~~to their ability to pay based upon the sliding fee scale established pur-~~  
22 ~~suant to section 16-2433, Idaho Code. The financial obligation of the family~~  
23 ~~shall be determined after consideration of all available payment and fund-~~  
24 ~~ing sources including title XIX of the social security act, as amended, all~~  
25 ~~available third party sources, and parent resources according to any order~~  
26 ~~for child support under chapter 10, title 32, Idaho Code. Services shall not~~  
27 ~~be conditioned upon transfer of custody or parental rights.~~

28 SECTION 11. That Section 20-514, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 20-514. REPRESENTATION AT ALL STAGES OF PROCEEDINGS -- APPOINTMENT OF  
31 COUNSEL -- WAIVER -- PAYMENT OF COST OF LEGAL SERVICES. (1) A juvenile who  
32 is being detained by a law enforcement officer or who is under formal charge  
33 of having committed, or who has been adjudicated for commission of, an act,  
34 omission or status that brings him under the purview of this act, is enti-  
35 tled:

36 (a) To be represented by an attorney to the same extent as an adult  
37 having his own counsel is so entitled pursuant to section 19-852, Idaho  
38 Code; and

39 (b) To be provided with the necessary services and facilities of repre-  
40 sentation, including investigation and other preparation.

41 (2) A juvenile who is entitled to be represented by an attorney under  
42 subsection (1) of this section is entitled:

43 (a) To be counseled and defended at all stages of the matter beginning  
44 with the earliest time and including revocation of probation or recom-  
45 mitment;

46 (b) To be represented in any appeal; and

47 (c) To be represented in any other post-adjudication or review proceed-  
48 ing that the attorney or the juvenile considers appropriate, unless the  
49 court in which the proceeding is brought determines that it is not a pro-

1 ceeding that a reasonable person with adequate means would be willing to  
2 bring at his own expense and is therefore a frivolous proceeding.

3 (3) A juvenile's right to a benefit under subsection (1) or (2) of this  
4 section is unaffected by his having provided a similar benefit at his own ex-  
5 pense, or by his having waived it, at an earlier stage.

6 (4) As early as possible in the proceedings, and in any event before  
7 the hearing of the petition on the merits, the juvenile and his parents, or  
8 guardian, shall be notified of their right to have counsel represent them.  
9 When it appears to the court that the juvenile or his parents or guardian  
10 desire counsel but are financially unable to pay for such legal services,  
11 the court shall appoint counsel to represent the juvenile and his parents  
12 or guardian; provided that in the event the court shall find that there is  
13 a conflict of interest between the interests of the juvenile and his parents  
14 or guardian, then the court shall appoint separate counsel for the juvenile,  
15 whether or not he or his parents or guardian are able to afford counsel, un-  
16 less there is an intelligent waiver of the right of counsel by the juvenile,  
17 except as provided in subsection (6) of this section, and the court further  
18 determines that the best interest of the juvenile does not require the ap-  
19 pointment of counsel. Counsel appointed under this section shall initially  
20 receive reasonable compensation from the county and the county shall have  
21 the right to be reimbursed for the cost thereof by the parents or guardian as  
22 hereafter provided in this section.

23 (5) Any waiver of the right to counsel by a juvenile under this act shall  
24 be made in writing, on the record and upon a finding by the court that:

25 (a) The juvenile has been informed of the right to counsel and the dan-  
26 gers and disadvantages of self-representation; and

27 (b) The waiver is intelligently made after consideration of the total-  
28 ity of the circumstances including, but not limited to:

29 (i) The age, maturity, intelligence, education, competency and  
30 comprehension of the juvenile;

31 (ii) The presence of the juvenile's parents or guardian;

32 (iii) The seriousness of the offense;

33 (iv) The collateral consequences of adjudication of the offense;  
34 and

35 (v) Whether the interests of the juvenile and his parents or  
36 guardian conflict.

37 (6) A juvenile shall not be permitted to waive the assistance to counsel  
38 in any of the following circumstances:

39 (a) If the juvenile is under the age of fourteen (14) years;

40 (b) In sentencing proceedings in which it has been recommended that the  
41 juvenile be committed to the legal custody of the department of juvenile  
42 corrections;

43 (c) In proceedings in which the juvenile is being adjudicated for com-  
44 mission of a crime of a sexual nature;

45 (d) In proceedings in which the juvenile is being adjudicated for com-  
46 mission of a felony;

47 (e) In hearings upon a motion to waive jurisdiction under the juvenile  
48 corrections act pursuant to section 20-508, Idaho Code;

49 (f) In hearings upon a motion to examine the juvenile to determine if he  
50 is competent to proceed pursuant to section 20-519A, Idaho Code; or

1 (g) In recommitment proceedings.

2 ~~(7) Upon the entry of an order finding the juvenile is within the~~  
3 ~~purview of this act, the parents, spouse or other person liable for the~~  
4 ~~support of the juvenile, or the estates of such persons, and the estate of~~  
5 ~~such juvenile, may be required by the court to reimburse the county for all~~  
6 ~~or a portion of the cost of those legal services rendered to the juvenile by~~  
7 ~~counsel appointed pursuant to this section that are related to the finding~~  
8 ~~that the juvenile is within the purview of this act, unless the court finds~~  
9 ~~such persons or estate to be indigent as defined in section 19-851(c), Idaho~~  
10 ~~Code, and the requirement would impose a manifest hardship on those persons~~  
11 ~~responsible for the juvenile or the estates. The current inability of those~~  
12 ~~persons or entities to pay the reimbursement shall not, in and of itself,~~  
13 ~~restrict the court from ordering reimbursement.~~

14 ~~(8) The prosecuting attorney of each county may, on behalf of the~~  
15 ~~county, recover payment or reimbursement, as the case may be, from each per-~~  
16 ~~son or estate who is liable for the payment or reimbursement of the cost of~~  
17 ~~court appointed counsel for the juvenile, as provided in subsection (7) of~~  
18 ~~this section. In the event such payment or reimbursement is not made upon~~  
19 ~~demand by the prosecuting attorney, suit may be brought against such persons~~  
20 ~~by the prosecuting attorney within five (5) years after the date on which~~  
21 ~~such counsel was appointed by the court.~~

22 SECTION 12. That Section 20-516A, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24 20-516A. JUVENILE PRETRIAL SUPERVISION ~~---FEES.~~ (1) The board of  
25 county commissioners may establish a juvenile supervised pretrial release  
26 program to perform those functions as prescribed by the administrative dis-  
27 trict judge in each judicial district. The board of county commissioners  
28 may provide for juvenile supervised pretrial release services through em-  
29 ployment of staff, contract, or any other process that will accomplish the  
30 purposes of this section. A board of county commissioners shall not be obli-  
31 gated to establish a juvenile supervised pretrial release program. Counties  
32 having established a juvenile supervised pretrial release program shall not  
33 be obligated to provide juvenile supervised pretrial release services be-  
34 yond the funds generated by the fees collected and any additional funds that  
35 may be annually appropriated by the board of county commissioners.

36 ~~(2) The court may assess a monthly juvenile pretrial supervision fee~~  
37 ~~that shall be an amount no more than the maximum monthly juvenile probation~~  
38 ~~supervision fee set forth in section 20-520, Idaho Code, per month, or such~~  
39 ~~lesser sum as determined by the administrative judge of the judicial dis-~~  
40 ~~trict, against the juvenile offender placed on pretrial supervision. The~~  
41 ~~juvenile pretrial supervision fee shall be paid to the clerk of the district~~  
42 ~~court who shall deposit such fee into the county juvenile probation fund,~~  
43 ~~which is hereby created, in each county or, at the option of the board of~~  
44 ~~county commissioners, deposited in the county justice fund to be used for~~  
45 ~~county juvenile probation services. Moneys from this fee may be accumulated~~  
46 ~~from year to year and shall be expended exclusively for county juvenile pre-~~  
47 ~~trial supervision services and related purposes.~~

48 (3) A juvenile shall not be required to pay the juvenile pretrial super-  
49 vision fee authorized in subsection (2) of this section until after the entry

1 ~~of an order finding the juvenile offender is within the purview of this sec-~~  
2 ~~tion.~~

3 ~~(4) The court may also order the juvenile to pay additional fees to~~  
4 ~~cover the actual costs of electronic monitoring, alcohol testing, or drug~~  
5 ~~testing if such monitoring or testing is a condition of the juvenile's re-~~  
6 ~~lease. Such additional fees may be paid to the clerk of the court or directly~~  
7 ~~to the provider of the service. If fees are paid to the clerk of the court,~~  
8 ~~the clerk of the court shall pay such fees to the county treasurer and such~~  
9 ~~fees shall be used exclusively to cover the costs for which the additional~~  
10 ~~fees have been ordered.~~

11 ~~(5) Any unpaid juvenile pretrial supervision fee shall be considered a~~  
12 ~~debt owed to the court and may be collected in the manner provided by law for~~  
13 ~~the collection of such debts.~~

14 SECTION 13. That Section 20-519A, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 20-519A. EXAMINATION OF JUVENILE -- COMPETENCY -- APPOINTMENT OF PSY-  
17 CHIATRISTS, LICENSED PSYCHOLOGISTS OR EVALUATION COMMITTEE -- HOSPITALIZA-  
18 TION -- REPORT. (1) At any time after the filing of a delinquency petition, a  
19 party may request in writing, or the court on its own motion may order, that  
20 the juvenile be examined to determine if the juvenile is competent to pro-  
21 ceed. The request shall state the facts in support of the request for a com-  
22 petency examination. If, based upon the provisions of subsection (2) of this  
23 section, the court determines that there is good cause to believe that the  
24 juvenile is incompetent to proceed, then the court shall stay all proceed-  
25 ings and appoint at least one (1) examiner who shall be a qualified psychia-  
26 trist or licensed psychologist, or shall order the department of health and  
27 welfare to designate, within two (2) business days, at least one (1) exam-  
28 iner who shall be a qualified psychiatrist or licensed psychologist, to ex-  
29 amine and report upon the mental condition of the juvenile. If there is rea-  
30 son to believe the basis for the juvenile's incompetency is due to a devel-  
31 opmental disability, the court shall appoint an evaluation committee as de-  
32 fined in section 66-402, Idaho Code, or shall order the department of health  
33 and welfare to designate, within two (2) business days, an evaluation com-  
34 mittee, to examine and report upon the mental condition of the juvenile. The  
35 county shall be responsible for the cost of such evaluation ~~subject to any~~  
36 ~~reimbursement by the parents or other legal guardian of the juvenile. The~~  
37 ~~court may order the parents or other legal guardian of the juvenile, unless~~  
38 ~~indigent, to contribute to the costs of such examination in an amount to be~~  
39 ~~set by the court after due notice to the parent or other legal guardian and~~  
40 ~~the opportunity to be heard.~~

41 (2) A juvenile is competent to proceed if he or she has:

42 (a) A sufficient present ability to consult with his or her lawyer with  
43 a reasonable degree of rational understanding;

44 (b) A rational and factual understanding of the proceedings against him  
45 or her; and

46 (c) The capacity to assist in preparing his or her defense.

47 (3) Within three (3) business days of the appointment or designation of  
48 an examiner or an evaluation committee pursuant to the provisions of subsec-  
49 tion (1) of this section, the examiner or evaluation committee shall deter-

1 mine the best location for the examination. The examination shall be con-  
2 ducted on an outpatient basis unless the court specifically finds that hos-  
3 pitalization or confinement of the juvenile for evaluation of competency is  
4 necessary, the juvenile is currently hospitalized in a psychiatric hospital  
5 or the juvenile is detained. The court may order the juvenile be confined  
6 to a hospital or other suitable facility, including detention as defined in  
7 section 20-502, Idaho Code, after a hearing to determine whether such con-  
8 finement is necessary. Any such confinement shall be for the purpose of ex-  
9 amination and shall be for a period not exceeding ten (10) days from the date  
10 of admission to the hospital or other suitable facility. The court, upon re-  
11 quest, may make available to the examiner or the evaluation committee any  
12 court records relating to the juvenile.

13 (4) The examiner or evaluation committee may employ any method of exam-  
14 ination that is accepted by the examiner's profession for the examination of  
15 juveniles alleged not to be competent, provided that such examination shall,  
16 at a minimum, include formal assessments of the juvenile in each of the fol-  
17 lowing domains:

- 18 (a) Cognitive functioning;
- 19 (b) Adaptive functioning;
- 20 (c) Clinical functioning;
- 21 (d) Comprehension of relevant forensic issues; and
- 22 (e) Genuineness of effort.

23 (5) If at any time during the examination process, the examiner has rea-  
24 son to believe that the juvenile's alleged incompetency may be the result of  
25 a developmental disability and the matter has not already been referred to  
26 an evaluation committee for review, the examiner shall immediately notify  
27 the court. The court shall appoint an evaluation committee, or shall order  
28 the department of health and welfare to designate, within two (2) business  
29 days, an evaluation committee, to examine and report upon the mental con-  
30 dition of the juvenile. Conversely, if at any time during the examination  
31 process an evaluation committee has reason to believe the juvenile's alleged  
32 incompetency is not the result of a developmental disability, the evaluation  
33 committee shall immediately notify the court so the examination can be com-  
34 pleted by a qualified psychiatrist or licensed psychologist as set forth in  
35 subsection (1) of this section. The new examination and report shall be con-  
36 ducted within the time frames set forth in subsection (6) of this section.

37 (6) The examiner or evaluation committee shall submit a written report  
38 to the court within thirty (30) days of receipt of the appointment or desig-  
39 nation. The report shall address the factors set forth in section 20-519B,  
40 Idaho Code. If the examiner or evaluation committee determines that the ju-  
41 venile is incompetent to proceed, the report shall also include the follow-  
42 ing:

- 43 (a) The nature of the mental disease, defect, disability or other con-  
44 dition including chronological age that is the cause of the juvenile's  
45 incompetency;
- 46 (b) The juvenile's prognosis;
- 47 (c) Whether the examiner or evaluation committee believes the juvenile  
48 may be restored to competency and an estimated time period in which com-  
49 petence could be restored with treatment;

1 (d) If the juvenile may be restored to competency, the recommendations  
2 for restoration shall be the least restrictive alternative that is con-  
3 sistent with public safety;

4 (e) If the juvenile is not competent and there is no substantial prob-  
5 ability that the juvenile can be restored to competency within six (6)  
6 months, a recommendation as to whether the juvenile meets the criteria  
7 set forth in section 16-2418, 66-329(11) or 66-406(11), Idaho Code, and  
8 identification of any other services recommended for the juvenile that  
9 are the least restrictive, community-based and consistent with public  
10 safety; and

11 (f) No statements of the juvenile relating to the alleged offense shall  
12 be included in the report unless such statements are relevant to the ex-  
13 aminer or evaluation committee's opinion regarding competency.

14 (7) The court, upon a finding of good cause, may alter the time frames  
15 for the designation of an examiner or evaluation committee, the completion  
16 of the examination or the completion of the report but shall ensure that the  
17 examination and competency determination occur as expeditiously as possi-  
18 ble. The court may, upon a finding of good cause, vacate or continue the  
19 ninety (90) day restoration review hearing set forth in section 20-519C,  
20 Idaho Code.

21 (8) The report of the examination shall be filed in triplicate with the  
22 clerk of the court, who shall cause copies to be delivered to the prosecuting  
23 attorney and to counsel for the juvenile.

24 (9) If the examination cannot be conducted by reason of the unwilling-  
25 ness of the juvenile to participate, the report shall so state and shall in-  
26 clude, if possible, an opinion as to whether such unwillingness of the juve-  
27 nile was the result of age, mental disease, defect or disability and whether  
28 the examiner recommends that a second examiner be appointed to examine the  
29 juvenile.

30 SECTION 14. That Section 20-519B, Idaho Code, be, and the same is hereby  
31 amended to read as follows:

32 20-519B. DETERMINATION OF COMPETENCY OF JUVENILE TO PROCEED -- SUS-  
33 PENSION OF PROCEEDINGS -- RESTORATION ORDER -- COMMITMENT. (1) The court  
34 shall hold a hearing no later than thirty (30) days after the report of the  
35 examiner or evaluation committee is filed pursuant to the provisions of sec-  
36 tion 20-519A, Idaho Code. At the hearing, the court may receive as evidence  
37 the report of the examiner or evaluation committee. In considering whether  
38 the juvenile is competent to proceed, the court shall consider the follow-  
39 ing:

40 (a) A description of the nature, content, extent and results of the ex-  
41 amination and any test that was conducted;

42 (b) The juvenile's capacity to understand the charges or allegations  
43 against the juvenile;

44 (c) The juvenile's capacity to understand the range and nature of pos-  
45 sible penalties that may be imposed in the proceedings;

46 (d) The juvenile's capacity to understand the adversarial nature of the  
47 legal process;

48 (e) The juvenile's capacity to disclose to counsel facts pertinent to  
49 the proceedings at issue;

1 (f) Whether the juvenile is able to display appropriate courtroom be-  
2 havior;

3 (g) Whether the juvenile is able to receive accurate impressions of the  
4 facts about which he or she is examined, is able to appreciate the mean-  
5 ing of an oath to tell the truth and has an understanding of the poten-  
6 tial consequences of not telling the truth;

7 (h) The examiner's opinion as to the competency of the juvenile as de-  
8 fined in subsection (2) of section 20-519A, Idaho Code.

9 (2) The weight to be given to each of the factors listed in subsection  
10 (1) of this section is discretionary with the court and a determination that  
11 the juvenile is or is not competent to proceed may be based on any one (1) or  
12 a combination of such factors, which shall be recited in the court's order  
13 regarding competency.

14 (3) If neither the prosecuting attorney nor counsel for the juvenile  
15 contests the findings of the report of the examiner or evaluation committee,  
16 the court may make the determination on the basis of such report. If a party  
17 contests the findings of such report, they shall have the right to cross-ex-  
18 amine the qualified psychiatrist or licensed psychologist who prepared and  
19 submitted the report and to offer evidence upon this issue. A finding of in-  
20 competency shall be based upon a preponderance of the evidence.

21 (4) If the court finds the juvenile is competent to proceed, the pro-  
22 ceedings shall continue without delay.

23 (5) If the court initially finds that the juvenile is incompetent and  
24 there is not a substantial probability that the juvenile will be restored to  
25 competency within six (6) months, the court may stay or dismiss the matter.  
26 In determining whether to stay or dismiss the matter, the court shall con-  
27 sider all relevant factors including, but not limited to, the seriousness of  
28 the alleged offense, resources available to the juvenile and any issues of  
29 public safety. Prior to a stay or dismissal of the matter, the court may con-  
30 vene a screening team consisting of representatives from the department of  
31 health and welfare, county probation, local school officials, and/or other  
32 agencies or persons designated by the court to develop a treatment plan for  
33 the juvenile. In developing such treatment plan, the recommendations con-  
34 tained in the competency examination shall be considered to ensure neces-  
35 sary services for the juvenile are put into place. Parents and guardians of  
36 the juvenile, if available, shall be included in the screening team and con-  
37 sulted with regard to the plan of treatment. If appropriate, the court may  
38 hold a hearing to determine whether proceedings under chapter 24, title 16,  
39 or chapter 3 or 4, title 66, Idaho Code, should be instituted. If such pro-  
40 ceedings are initiated, the juvenile court may retain jurisdiction over said  
41 proceedings.

42 (6) If the court determines that the juvenile is incompetent to pro-  
43 ceed, but may be restored to competency within six (6) months, the court  
44 shall order a plan of treatment to be developed by the department of health  
45 and welfare for the juvenile to undergo efforts at restoration to compe-  
46 tency. The court may:

47 (a) Convene a restoration treatment team to make recommendations on a  
48 plan of treatment;

49 (b) Order any agencies that have treated or had custody of the juve-  
50 nile to release any pertinent information or records to the department



1 of health and welfare to be used in the development and implementation  
2 of the juvenile's restoration plan;

3 (c) Order the department of health and welfare, county probation,  
4 school officials and the department of juvenile corrections to release  
5 all pertinent information regarding the juvenile to the court, the de-  
6 partment of health and welfare and any restoration treatment team to be  
7 used in the development and implementation of the juvenile's restora-  
8 tion plan;

9 (d) Require the parents or guardians of the juvenile, and where ap-  
10 propriate require the juvenile, to allow information pertinent to the  
11 restoration treatment plan be released to the department of health and  
12 welfare, the court and any restoration treatment team.

13 (7) If the court determines that the juvenile is incompetent to pro-  
14 ceed, but may be restored to competency, the court may order a juvenile to  
15 participate in the competency restoration program as developed by the de-  
16 partment of health and welfare. The purpose of the treatment or training is  
17 the restoration of the juvenile's competency to proceed. In determining the  
18 type and location of the competency restoration program and in designating  
19 a restoration provider, the department of health and welfare shall identify  
20 the least restrictive alternative that is consistent with public safety and  
21 consider whether inpatient treatment, residential care or secure confine-  
22 ment is necessary for program participation.

23 ~~(a) An inpatient or residential or secure detention facility is only~~  
24 ~~appropriate if all available less restrictive alternatives in commu-~~  
25 ~~nity settings which would offer an opportunity for improvement of the~~  
26 ~~juvenile's condition are inappropriate. If the department of health~~  
27 ~~and welfare's plan of restoration requires the juvenile be placed in an~~  
28 ~~inpatient, residential or secure detention facility, the court shall~~  
29 ~~hold a hearing on whether to order such placement unless the hearing is~~  
30 ~~waived by the juvenile and the juvenile's parents or guardians. Juve-~~  
31 ~~niles charged with only a status offense or multiple status offenses~~  
32 ~~shall not be held in a secure confinement or detention facility for~~  
33 ~~restoration purposes.~~

34 ~~(b) The department of health and welfare is responsible for determining~~  
35 ~~the competency restoration program and services. All costs associated~~  
36 ~~with restoration services shall be the responsibility of the parents of~~  
37 ~~the juvenile according to their ability to pay based upon the sliding~~  
38 ~~fee scale established pursuant to section 16-2433, Idaho Code. The fi-~~  
39 ~~ancial obligation of the parents shall be determined after considera-~~  
40 ~~tion of all available payment and funding sources including title XIX of~~  
41 ~~the social security act, as amended, all available third party sources~~  
42 ~~including funding available to the juvenile from other programs, grants~~  
43 ~~or agencies and parent resources according to any order for child sup-~~  
44 ~~port under chapter 10, title 32, Idaho Code. Services shall not be con-~~  
45 ~~ditioned upon transfer of custody of parental rights.~~

46 (8) If a juvenile is determined to be incompetent to proceed but may be  
47 restored to competency, the court shall retain jurisdiction of the juvenile  
48 for up to six (6) months. A restoration order issued pursuant to this section  
49 is valid for six (6) months from the date of the initial finding of incompe-  
50 tency or until one (1) of the following, whichever occurs first:

1 (a) The restoration program submits a report that the juvenile has be-  
2 come competent to proceed or that there is no substantial probability  
3 that the juvenile will regain competency within the period the order is  
4 valid;

5 (b) The charges are dismissed; or

6 (c) The juvenile reaches twenty-one (21) years of age.

7 (9) The court may extend the restoration order beyond six (6) months  
8 upon a showing of good cause. If the juvenile reaches twenty-one (21) years  
9 of age, the matter shall be dismissed. If the court concludes that there is  
10 no substantial probability that the juvenile will regain competency within  
11 the period the order is valid, then the provisions of subsection (5) of this  
12 section shall apply.

13 SECTION 15. That Section 20-520, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 20-520. SENTENCING. (1) Upon the entry of an order finding the juve-  
16 nile offender is within the purview of the act, the court shall then hold a  
17 sentencing hearing in the manner prescribed by the Idaho juvenile rules to  
18 determine the sentence that will promote accountability, competency devel-  
19 opment and community protection. Prior to the entry of an order disposing  
20 of the case, other than an order of discharge or dismissal, the court may  
21 request and, if requested, shall receive a report containing the results of  
22 an inquiry into the home environment, past history, competency development,  
23 prevention or out-of-home placement services provided, and the social,  
24 physical and mental condition of the juvenile offender. The court shall not  
25 consider or review the report prior to the entry of an order of adjudication.  
26 Upon presentation and consideration of the report by the court, the court may  
27 proceed to sentence the juvenile offender as follows:

28 (a) Place the juvenile offender on formal probation for a period not to  
29 exceed three (3) years from the date of the order, except the court may  
30 place a juvenile offender on formal probation for a period not to exceed  
31 the juvenile offender's twenty-first birthday if the court finds that  
32 the juvenile offender has committed a crime of a sexual nature. If a ju-  
33 venile offender is committed to the Idaho department of juvenile cor-  
34 rections pursuant to paragraph (sp) of this subsection, the court may  
35 place the juvenile offender on probation from the date of sentencing up  
36 to three (3) years past the date of release from custody or the juvenile  
37 offender's twenty-first birthday, whichever occurs first; provided the  
38 court shall conduct a review hearing within thirty (30) days following  
39 release of the juvenile offender from the department of juvenile cor-  
40 rections in order to determine the conditions and term of such proba-  
41 tion;

42 (b) (i) Sentence the juvenile offender to detention pursuant to  
43 this act for a period not to exceed thirty (30) days for each act,  
44 omission or status that is prohibited by the federal, state, local  
45 or municipal law or ordinance by reason of minority only. The sen-  
46 tence shall not be executed unless the act, omission or status is  
47 in violation of 18 U.S.C. 922(x) or the court finds that the ju-  
48 venile offender has violated the court's decree imposing the sen-  
49 tence as provided in this subsection.

1           (ii) If the court, after notice and hearing, finds that a juvenile  
2 offender has violated the court's decree imposing the sentence un-  
3 der circumstances that bring the violation under the valid court  
4 order exception of the federal juvenile justice and delinquency  
5 prevention act of 1974, as amended, the court may commit the juve-  
6 nile offender to detention for the period of detention previously  
7 imposed at sentencing;

8           (c) Commit the juvenile offender to a period of detention, pursuant to  
9 this act, for a period of time not to exceed ninety (90) days for each un-  
10 lawful or criminal act the juvenile offender is found to have committed  
11 or if the unlawful or criminal act would be a misdemeanor if committed by  
12 an adult;

13           (d) If the juvenile offender has committed an unlawful or criminal act  
14 that would be a felony if committed by an adult, the court may commit the  
15 juvenile offender to detention for a period not to exceed one hundred  
16 eighty (180) days for each unlawful or criminal act;

17           (e) Whenever a court commits a juvenile offender to a period of deten-  
18 tion, the juvenile detention center shall notify the school district  
19 where the detention center is located. No juvenile offender who is  
20 found to come within the purview of the act for the commission of a sta-  
21 tus offense shall be sentenced to detention in a jail facility;

22           (f) Commit the juvenile offender to detention and suspend the sentence  
23 on specific probationary conditions;

24           (g) The court may suspend or restrict the juvenile offender's driving  
25 privileges for such periods of time as the court deems necessary, and  
26 the court may take possession of the juvenile offender's driver's li-  
27 cense. The juvenile offender may request restricted driving privileges  
28 during a period of suspension, which the court may allow if the juvenile  
29 offender shows by a preponderance of evidence that driving privileges  
30 are necessary for his employment or for family health needs;

31           (h) The court may order that the juvenile offender be examined or  
32 treated by a physician, surgeon, psychiatrist, or psychologist, or that  
33 he receive other special care, or that he submit to an alcohol or drug  
34 evaluation, if needed, and for such purposes may place the juvenile of-  
35 fender in a hospital or other suitable facility;

36           (i) The court may order that the county probation office authorize a  
37 comprehensive substance abuse assessment of the juvenile offender. Af-  
38 ter receiving the comprehensive substance abuse assessment, and upon a  
39 finding by the court that treatment will provide a cost-effective means  
40 of achieving the sentencing goals of accountability, competency devel-  
41 opment and community protection, the court may order that the juvenile  
42 offender receive immediate treatment for substance abuse in keeping  
43 with a plan of treatment approved by the court. The initial cost of the  
44 assessment and treatment shall be borne by the department of juvenile  
45 corrections with funds allocated to the county probation office. ~~The~~  
46 ~~director of the department of juvenile corrections may promulgate rules~~  
47 ~~consistent with this paragraph to establish a schedule of fees to be~~  
48 ~~charged to parents by the county probation office for such services~~  
49 ~~based upon the cost of the services and the ability of parents to pay;~~

1 (j) In support of an order under the provisions of this section, the  
2 court may make an additional order setting forth reasonable conditions  
3 to be complied with by the parents, the juvenile offender, his legal  
4 guardian or custodian, or any other person who has been made a party to  
5 the proceedings, including, but not limited to, restrictions on visi-  
6 tation by the parents or one (1) parent, restrictions on the juvenile  
7 offender's associates, occupation and other activities, and require-  
8 ments to be observed by the parents, guardian or custodian;

9 (k) The court may make any other reasonable order that is in the best  
10 interests of the juvenile offender or is required for the protection of  
11 the public, except that no person under the age of eighteen (18) years  
12 may be committed to jail, prison or a secure facility that does not meet  
13 the standards set forth in section 20-518, Idaho Code, unless jurisdic-  
14 tion over the individual is in the process of being waived or has been  
15 waived pursuant to section 20-508 or 20-509, Idaho Code. The court may  
16 combine several of the above-listed modes of disposition where they are  
17 compatible;

18 (l) An order under the provisions of this section for probation or  
19 placement of a juvenile offender with an individual or an agency may  
20 provide a schedule for review of the case by the court;

21 (m) Order the proceeding expanded or altered to include consideration  
22 of the cause pursuant to chapter 16, title 16, Idaho Code;

23 (n) Order the case and all documents and records connected therewith  
24 transferred to the magistrate division of the district court for the  
25 county where the juvenile offender and/or parents reside if different  
26 than the county where the juvenile offender was charged and found to  
27 have committed the unlawful or criminal act, for the entry of a disposi-  
28 tional order;

29 (o) Order such other terms, conditions, care or treatment as ~~appear to~~  
30 the court determines will best serve the interests of the juvenile of-  
31 fender and the community;

32 ~~(p) The court shall assess a twenty dollar (\$20.00) detention/proba-~~  
33 ~~tion training academy fee against the juvenile offender for every pe-~~  
34 ~~tion filed where there has been an adjudication that the juvenile of-~~  
35 ~~fender is within the purview of this chapter. All moneys raised pur-~~  
36 ~~suant to this paragraph shall be transmitted by the court for deposit~~  
37 ~~in the juvenile corrections fund, which is created in section 20-542,~~  
38 ~~Idaho Code;~~

39 ~~(q) Additionally, the court shall assess a fee of sixty cents (60¢) per~~  
40 ~~hour of community service against the juvenile offender for every pe-~~  
41 ~~tion filed where there has been an adjudication that the juvenile of-~~  
42 ~~fender is within the purview of this chapter and the court is ordering~~  
43 ~~community service. Such fee is to be remitted by the court to the state~~  
44 ~~insurance fund for purposes of providing worker's compensation insur-~~  
45 ~~ance for persons performing community service pursuant to this chapter.~~  
46 ~~However, if a county is self-insured and provides worker's compensation~~  
47 ~~insurance for persons performing community service pursuant to the pro-~~  
48 ~~visions of this chapter, then remittance to the state insurance fund is~~  
49 ~~not required;~~

1 ~~(r) Additionally, the court may assess a monthly probation supervision~~  
2 ~~fee that shall be an amount not more than the maximum monthly misde-~~  
3 ~~meanor probation supervision fee set forth in section 31-3201D, Idaho~~  
4 ~~Code, per month, or such lesser sum as determined by the administrative~~  
5 ~~judge of the judicial district, against the juvenile offender placed on~~  
6 ~~probation. The amount of the monthly probation supervision fee shall be~~  
7 ~~paid to the clerk of the district court who shall deposit such fee into~~  
8 ~~the county juvenile probation fund, which is hereby created, in each~~  
9 ~~county or, at the option of the board of county commissioners, deposited~~  
10 ~~in the county justice fund to be used for county juvenile probation~~  
11 ~~services. Moneys from this fee may be accumulated from year to year and~~  
12 ~~shall be expended exclusively for county juvenile probation services~~  
13 ~~and related purposes;~~

14 ~~(s) Commit the juvenile offender to the legal custody of the department~~  
15 ~~of juvenile corrections for an indeterminate period of time, not to~~  
16 ~~exceed the juvenile offender's nineteenth birthday, unless the custody~~  
17 ~~review board determines that extended time in custody is necessary to~~  
18 ~~address competency development, accountability, and community protec-~~  
19 ~~tion; provided however, that no juvenile offender shall remain in the~~  
20 ~~custody of the department beyond the juvenile offender's twenty-first~~  
21 ~~birthday. The department shall adopt rules implementing the custody~~  
22 ~~review board and operations and procedures of such board. Juvenile~~  
23 ~~offenders convicted as adults and placed in the dual custody of the~~  
24 ~~department of juvenile corrections and the state board of correction~~  
25 ~~under section 19-2601A, Idaho Code, are under the retained jurisdiction~~  
26 ~~of the court and are not within the purview of the custody review board;~~

27 ~~(t) Notwithstanding any other provision of this section, a court may~~  
28 ~~not commit a juvenile offender under the age of ten (10) years to a pe-~~  
29 ~~riod of detention or to the custody of the department of juvenile cor-~~  
30 ~~rections for placement in secure confinement.~~

31 (2) When an order is entered pursuant to this section, the juvenile  
32 offender shall be transported to the facility or program so designated by the  
33 court or the department, as applicable, by the sheriff of the county where  
34 the juvenile offender resides or is committed, or by an appointed agent.  
35 When committing a juvenile offender to the department, or another entity,  
36 the court shall at once forward to the department or entity a certified copy  
37 of the order of commitment.

38 (3) Unless the court determines that an order of restitution would be  
39 inappropriate or undesirable, it shall order the juvenile offender or his  
40 parents or both to pay restitution to or make whole any victim who suffers an  
41 economic loss as a result of the juvenile offender's conduct in accordance  
42 with the standards and requirements of sections 19-5304 and 19-5305, Idaho  
43 Code. The amount of restitution that may be ordered by the court shall not  
44 be subject to the limitations of section 6-210, Idaho Code. Court-ordered  
45 restitution shall be paid prior to any other court-ordered payments unless  
46 the court specifically orders otherwise. The clerk of the district court,  
47 with the approval of the administrative district judge, may use the proce-  
48 dures set forth in section 19-4708, Idaho Code, for the collection of the  
49 restitution.

1           ~~(4) The court may order the juvenile offender's parents or custodian to~~  
2 ~~pay the charges imposed by community programs ordered by the court for the~~  
3 ~~juvenile offender, or the juvenile offender's parents or custodian.~~

4           ~~(5) Any parent, legal guardian or custodian violating any order of the~~  
5 ~~court entered against the person under the provisions of this chapter shall~~  
6 ~~be subject to contempt proceedings under the provisions of chapter 6, title~~  
7 ~~7, Idaho Code.~~

8           ~~(6) The clerk of the district court, with the approval of the adminis-~~  
9 ~~trative district judge, may use the procedures set forth in section 19-4708,~~  
10 ~~Idaho Code, for the collection of other debts owed to the court by the juve-~~  
11 ~~nile offender.~~

12           SECTION 16. That Section 20-522, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14           20-522. JURISDICTION OVER PARENTS. Whenever a juvenile offender is  
15 found to come under the purview of this chapter, the court shall have ju-  
16 risdiction and authority to have the juvenile offender and the juvenile  
17 offender's parent(s), legal guardian or custodian sign a probationary  
18 contract with the court containing terms and conditions that the juvenile  
19 offender and the juvenile offender's parent(s), legal guardian or custodian  
20 must adhere to as a condition of the juvenile offender's probation. The  
21 ~~probationary contract may provide that upon a violation or breach of the~~  
22 ~~terms and conditions of the probationary contract, the juvenile offender's~~  
23 ~~parent(s), legal guardian or custodian shall be liable to the court for a~~  
24 ~~specific monetary sum not in excess of one thousand dollars (\$1,000) for the~~  
25 ~~breach of contract. All such moneys shall be payable to the court and shall~~  
26 ~~be in addition to any other fines, penalties or other sanctions provided by~~  
27 ~~law. Any moneys received by the court pursuant to this section shall be paid~~  
28 ~~into the juvenile corrections fund created in section 20-542, Idaho Code.~~  
29 ~~In lieu of or in addition to a monetary payment, the court may order that the~~  
30 ~~parent(s), legal guardian or custodian attend parenting classes or undergo~~  
31 ~~other treatment or counseling. Any person violating any order of the court~~  
32 ~~entered under the provisions of this section shall be subject to contempt~~  
33 ~~proceedings under the provisions of chapter 6, title 7, Idaho Code.~~

34           SECTION 17. That Section [20-524](#), Idaho Code, be, and the same is hereby  
35 repealed.

36           SECTION 18. That Section 20-529, Idaho Code, be, and the same is hereby  
37 amended to read as follows:

38           20-529. APPOINTMENT OF COUNTY PROBATION OFFICERS. The courts in the  
39 several counties of this state shall enter into a contract or agreement for  
40 probation services to the counties or, if the court deems local probation  
41 services are preferable, may appoint one (1) or more persons to serve as  
42 probation officers at the expense of the county with the concurrence of the  
43 county commissioners. County juvenile probation services may be paid for  
44 ~~from funds generated by the fees collected pursuant to the provisions of~~  
45 ~~section 20-520, Idaho Code, and any additional funds that may be annually~~  
46 ~~appropriated by the board of county commissioners.~~

1 SECTION 19. That Section 20-532, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 20-532. TERM OF COMMITMENT -- REVIEW AFTER COMMITMENT. A juvenile of-  
4 fender committed to a secure facility shall remain until the juvenile of-  
5 fender reaches nineteen (19) years of age, is retained for extended custody  
6 pursuant to section 20-520(1) (~~sp~~), Idaho Code, or is released or discharged.  
7 A juvenile offender committed to a secure facility shall appear before the  
8 department within ninety (90) days after commitment for review of treatment  
9 plans.

10 SECTION 20. That Chapter 5, Title 20, 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 20-550, Idaho Code, and to read as follows:

13 20-550. FEES ASSESSED AGAINST JUVENILES VOID, UNCOLLECTIBLE, AND UN-  
14 ENFORCEABLE. Any fees assessed against a juvenile, juvenile offender, or the  
15 parent or other legally obligated person related to a case arising under this  
16 chapter shall be deemed void, uncollectible, and unenforceable.

17 SECTION 21. That Section 31-870, Idaho Code, be, and the same is hereby  
18 amended to read as follows:

19 31-870. FEES FOR COUNTY SERVICES. (1) Notwithstanding any other pro-  
20 vision of law, a board of county commissioners may impose and collect fees  
21 for those services provided by the county which would otherwise be funded by  
22 ad valorem tax revenues. The fees collected pursuant to this section shall  
23 be reasonably related to, but shall not exceed, the actual cost of the ser-  
24 vice being rendered. Taxing districts other than counties may impose fees  
25 for services as provided in section 63-1311, Idaho Code.

26 (2) The board of county commissioners may establish and provide for the  
27 collection of a solid waste fee in accordance with a request made pursuant  
28 to this section, and such fee shall be certified and collected in the same  
29 manner provided by law for the collection of real or personal property taxes.

30 (3) The administrative fee authorized under the provisions of this sec-  
31 tion and collected for issuance of motor vehicle registrations pursuant to  
32 chapter 4, title 49, Idaho Code, shall be the same for any registration is-  
33 sued pursuant to section 49-402B, Idaho Code, and may not be doubled or in any  
34 way increased solely because of registration under that section.

35 (4) This section shall not apply to the issuance or renewal of licenses  
36 to carry concealed weapons under sections 18-3302, 18-3302H or 18-3302K,  
37 Idaho Code.

38 (5) The board of county commissioners may not impose or collect fees  
39 from juveniles or their parents or other legally obligated person for any  
40 case brought under the juvenile corrections act, chapter 5, title 20, Idaho  
41 Code.

42 SECTION 22. That Section 31-3201, Idaho Code, be, and the same is hereby  
43 amended to read as follows:

1 31-3201. CLERK OF DISTRICT COURT -- FEES. (1) The clerk of the district  
2 court shall lawfully charge, demand and receive the following fees for ser-  
3 vices rendered by him in discharging the duties imposed upon him by law:

- 4 For filing and docketing abstract or transcript of judgment from an-
- 5 other court .....\$2.00
- 6 For issuing execution upon an abstract or transcript of judgment and
- 7 filing same on return .....\$2.00
- 8 For recording execution issued upon abstract or transcript of judgment,
- 9 per page .....\$2.00
- 10 For taking affidavits, including jurat .....\$1.00
- 11 For taking acknowledgments, including seal .....\$1.00
- 12 For filing and indexing designation of agent of foreign corporation ...
- 13 .....\$2.00
- 14 For filing and indexing notarial statement .....\$2.00
- 15 For making copy of any file or record, by the clerk, the clerk shall
- 16 charge and receive, per page .....\$1.00
- 17 For comparing and conforming a prepared copy of any file or record, the
- 18 clerk shall charge and receive, per page ..... \$ .50
- 19 For certifying the same an additional fee for certificate and seal .....
- 20 .....\$1.00
- 21 For all services not herein enumerated, and of him lawfully required,
- 22 the clerk of the district court shall demand and receive such fees as are
- 23 herein allowed for similar services.

24 (2) All fees collected under the provisions of this section shall be  
25 paid over to the county treasurer, at the same time and in the same manner as  
26 other fees.

27 (3) In addition to all other fines, forfeitures and costs levied by the  
28 court, the clerk of the district court shall collect ten dollars (\$10.00) as  
29 an administrative surcharge fee on each criminal case, including an infrac-  
30 tion under section 18-8001 or 49-301, Idaho Code, a first-time infraction  
31 under section 23-604 or 23-949, Idaho Code, and five dollars (\$5.00) on other  
32 infractions to be paid over to the county treasurer at the same time and in  
33 the same manner as other fees, for the support of the county justice fund,  
34 or the current expense fund if no county justice fund has been established,  
35 and shall collect ten dollars (\$10.00) as an administrative surcharge fee on  
36 each civil case, including each appeal, to be paid over to the county trea-  
37 surer for the support of the county court facilities fund, or to the district  
38 court fund if no county court facilities fund has been established.

39 (4) Provided further, an additional handling fee of two dollars (\$2.00)  
40 shall be imposed on each monthly installment of criminal or infraction  
41 fines, forfeitures, and other costs paid on a monthly basis.

42 (5) Provided further, in addition to all other fines, forfeitures and  
43 costs levied by the court, the clerk of the district court shall collect ten  
44 dollars (\$10.00) as a court technology fee on each criminal and infraction  
45 offense to be paid over to the county treasurer who shall, within five (5)  
46 days after the end of the month, pay such fee to the state treasurer for de-  
47 posit into the court technology fund.

48 (6) The clerk of the district court may not impose or collect fees from  
49 juveniles or their parents or other legally obligated person for any case  
50 brought under the juvenile corrections act, chapter 5, title 20, Idaho Code.



1 SECTION 23. That Section 31-3201A, Idaho Code, be, and the same is  
2 hereby amended to read as follows:

3 31-3201A. COURT FEES. The clerk of the district court in addition to  
4 the fees and charges imposed by chapter 20, title 1, Idaho Code, and by sec-  
5 tion 31-3201, Idaho Code, and in addition to the fee levied by chapter 2, ti-  
6 tle 73, Idaho Code, shall charge, demand and receive the following fees for  
7 services rendered by him in discharging the duties imposed upon him by law:

8 (1) Civil cases. A fee of one hundred seventy-five dollars (\$175) for  
9 filing a civil case of any type in the district court, except for those cases  
10 to be assigned to the magistrate division of the district court for which the  
11 fee shall be one hundred twenty dollars (\$120), with the following excep-  
12 tions:

13 (a) The fee for small claims shall be as provided in section 1-2303,  
14 Idaho Code;

15 (b) No filing fee shall be charged in the following types of cases:

16 (i) Cases brought under chapter 3, title 66, Idaho Code, for com-  
17 mitment of mentally ill persons;

18 (ii) Cases brought under the juvenile corrections act;

19 (iii) Cases brought under the child protective act;

20 (iv) Demands for bond before a personal representative is ap-  
21 pointed in probate;

22 (v) Petitions for sterilization;

23 (vi) Petitions for judicial consent to abortion;

24 (vii) Registration of trusts and renunciations;

25 (viii) Petitions for leave to compromise the disputed claim of a  
26 minor;

27 (ix) Petitions for a civil protection order or to enforce a for-  
28 eign civil protection order pursuant to chapter 63, title 39,  
29 Idaho Code;

30 (x) Objections to the appointment of a guardian filed by a minor  
31 or an incapacitated person;

32 (xi) Proceedings to suspend a license for nonpayment of child  
33 support pursuant to section 7-1405, Idaho Code;

34 (xii) Proceedings under the uniform post-conviction procedure  
35 act as provided in chapter 49, title 19, Idaho Code;

36 (xiii) Filings of a custody decree from another state;

37 (xiv) Filings of any answer after an initial appearance fee has  
38 been paid.

39 The filing fee shall be distributed as follows: twenty-three dollars  
40 (\$23.00) of such filing fee shall be paid to the county treasurer for deposit  
41 in the district court fund of the county, with six dollars (\$6.00) of such  
42 twenty-three dollars (\$23.00) dedicated to provide for the suitable and ade-  
43 quate quarters of the magistrate's division of the district court, including  
44 the facilities and equipment necessary to make the space provided functional  
45 for its intended use, and shall provide for the staff personnel, supplies  
46 and other expenses of the magistrate's division; one dollar (\$1.00) of such  
47 filing fee shall be paid to the peace officers standards and training fund  
48 established in section 19-5116, Idaho Code; one hundred thirty-five dollars  
49 (\$135) of such filing fee, or in a case assigned to the magistrate division

1 of the district court eighty dollars (\$80.00) of such filing fee, shall be  
2 paid to the county treasurer who shall, within five (5) days after the end of  
3 the month, pay such fees to the state treasurer for deposit into the court  
4 technology fund; ten dollars (\$10.00) of such filing fee shall be paid to the  
5 county treasurer who shall pay such fees to the state treasurer for deposit  
6 in accordance with subsection (15) of this section; and six dollars (\$6.00)  
7 of such filing fee shall be paid to the county treasurer who shall, within  
8 five (5) days after the end of the month, pay such fees to the state treasurer  
9 for deposit in the senior magistrate judges fund.

10 (2) Felonies and misdemeanors. A fee of seventeen dollars and fifty  
11 cents (\$17.50) shall be paid, but not in advance, by each person found guilty  
12 of any felony or misdemeanor, except for any case brought under the juvenile  
13 corrections act, chapter 5, title 20, Idaho Code, or when the court orders  
14 such fee waived because the person is indigent and unable to pay such fee.  
15 Eleven dollars (\$11.00) of such fee shall be paid to the county treasurer for  
16 deposit in the district court fund of the county, with six dollars (\$6.00) of  
17 such eleven dollars (\$11.00) dedicated to provide for the suitable and ade-  
18 quate quarters of the magistrate's division of the district court, including  
19 the facilities and equipment necessary to make the space provided functional  
20 for its intended use, and shall provide for the staff personnel, supplies and  
21 other expenses of the magistrate's division; one dollar (\$1.00) of such fil-  
22 ing fee shall be paid to the peace officers standards and training fund es-  
23 tablished in section 19-5116, Idaho Code; and five dollars and fifty cents  
24 (\$5.50) of such fee shall be paid to the county treasurer who shall pay such  
25 fees to the state treasurer for deposit in accordance with subsection (15) of  
26 this section.

27 (3) Infractions. A fee of sixteen dollars and fifty cents (\$16.50)  
28 shall be paid, but not in advance, by each person found to have committed an  
29 infraction or any minor traffic, conservation or ordinance violation, and a  
30 fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not in  
31 advance, by each person found to have committed an infraction under section  
32 18-8001 or 49-301, Idaho Code, or a first-time infraction under section  
33 23-604 or 23-949, Idaho Code, and distributed pursuant to subsection (2) of  
34 this section; provided that the judge or magistrate may in his or her discre-  
35 tion consolidate separate nonmoving traffic offenses into one (1) offense  
36 for purposes of assessing such fee. Eleven dollars (\$11.00) of such fee  
37 shall be paid to the county treasurer for deposit in the district court fund  
38 of the county, with six dollars (\$6.00) of such eleven dollars (\$11.00) dedi-  
39 cated to provide for the suitable and adequate quarters of the magistrate's  
40 division of the district court, including the facilities and equipment nec-  
41 essary to make the space provided functional for its intended use, and shall  
42 provide for the staff personnel, supplies and other expenses of the magis-  
43 trate's division; one dollar (\$1.00) of such filing fee shall be paid to the  
44 peace officers standards and training fund established in section 19-5116,  
45 Idaho Code; and four dollars and fifty cents (\$4.50) of such fee shall be paid  
46 to the county treasurer, who shall pay such fees to the state treasurer for  
47 deposit in accordance with subsection (15) of this section.

48 (4) Initial appearance other than plaintiff. A fee of one hundred dol-  
49 lars (\$100) shall be paid for any filing constituting the initial appearance  
50 by a party, except the plaintiff, in any civil action in the district court

1 or in the magistrate division of the district court, except small claims. If  
2 two (2) or more parties are making their initial appearance in the same fil-  
3 ing, then only one (1) filing fee shall be collected. Of such fee, four dol-  
4 lars (\$4.00) shall be paid to the county treasurer for deposit in the dis-  
5 trict court fund of the county; eighty dollars (\$80.00) of such fee shall be  
6 paid to the county treasurer who shall, within five (5) days after the end  
7 of the month, pay such fees to the state treasurer for deposit into the court  
8 technology fund; ten dollars (\$10.00) of such fee shall be paid to the county  
9 treasurer who shall pay such fees to the state treasurer for deposit in ac-  
10 cordance with subsection (15) of this section; and six dollars (\$6.00) of  
11 such fee shall be paid to the county treasurer who shall, within five (5) days  
12 after the end of the month, pay such fees to the state treasurer for deposit  
13 in the senior magistrate judges fund.

14 (5) Accountings. A fee of nine dollars (\$9.00) shall be paid by the per-  
15 son or persons required to make an account pursuant to title 15, Idaho Code,  
16 at the time such account is filed. All of such fee shall be paid to the county  
17 treasurer for deposit in the district court fund of the county.

18 (6) Distribution of estate. A fee of twenty-five dollars (\$25.00)  
19 shall be paid upon the filing of a petition of the executor or administrator  
20 or of any person interested in an estate for the distribution of such estate,  
21 six dollars (\$6.00) of such fee shall be paid to the county treasurer for  
22 deposit in the district court fund of the county; thirteen dollars (\$13.00)  
23 of such fee shall be paid to the county treasurer who shall pay such fees to  
24 the state treasurer for deposit in accordance with subsection (15) of this  
25 section; and six dollars (\$6.00) of such fee shall be paid to the county  
26 treasurer who shall, within five (5) days after the end of the month, pay such  
27 fees to the state treasurer for deposit in the senior magistrate judges fund.

28 (7) Third-party claim. A fee of fourteen dollars (\$14.00) shall be paid  
29 by a party filing a third-party claim as defined in the Idaho rules of civil  
30 procedure. Eight dollars (\$8.00) of such fee shall be paid to the county  
31 treasurer for deposit in the district court fund of the county; and six dol-  
32 lars (\$6.00) of such fee shall be paid to the county treasurer who shall,  
33 within five (5) days after the end of the month, pay such fees to the state  
34 treasurer for deposit in the senior magistrate judges fund.

35 (8) Cross-claims. A fee of fourteen dollars (\$14.00) shall be paid by  
36 any party filing a cross-claim. Eight dollars (\$8.00) of such fee shall be  
37 paid to the county treasurer for deposit in the district court fund of the  
38 county; and six dollars (\$6.00) of such fee shall be paid to the county trea-  
39 surer who shall, within five (5) days after the end of the month, pay such  
40 fees to the state treasurer for deposit in the senior magistrate judges fund.

41 (9) Change of venue. A fee of twenty-nine dollars (\$29.00) shall be  
42 paid by a party initiating a change of venue. Such fee shall be paid to the  
43 clerk of the court of the county to which venue is changed. Nine dollars  
44 (\$9.00) of such fee shall be paid to the county treasurer for deposit in the  
45 district court fund of the county and twenty dollars (\$20.00) of such fee  
46 shall be paid to the county treasurer who shall, within five (5) days after  
47 the end of the month, pay such fees to the state treasurer for deposit into  
48 the court technology fund.

49 (10) Reopening a case.

1 (a) A fee of eighty-five dollars (\$85.00) shall be paid by any party  
2 appearing after judgment or applying to reopen a case. Nine dollars  
3 (\$9.00) of such fee shall be paid to the county treasurer for deposit  
4 in the district court fund of the county; six dollars (\$6.00) of such  
5 fee shall be paid to the county treasurer who shall, within five (5)  
6 days after the end of the month, pay such fees to the state treasurer  
7 for deposit in the senior magistrate judges fund; and seventy dollars  
8 (\$70.00) of such fee shall be paid to the county treasurer who shall,  
9 within five (5) days after the end of the month, pay such fees to the  
10 state treasurer for deposit into the court technology fund.

11 (b) A fee of one hundred eight dollars (\$108) shall be paid by a party  
12 applying to reopen a divorce action or modify a divorce decree, with  
13 seventeen dollars (\$17.00) of the fee to be paid to the county treasurer  
14 for deposit in the district court fund of the county; fifteen dollars  
15 (\$15.00) of such fee to be paid to the county treasurer who shall pay  
16 such fees to the state treasurer for deposit in accordance with subsec-  
17 tion (15) of this section; six dollars (\$6.00) of such fee to be paid to  
18 the county treasurer who shall, within five (5) days after the end of the  
19 month, pay such fees to the state treasurer for deposit in the senior  
20 magistrate judges fund; and seventy dollars (\$70.00) of such fee shall  
21 be paid to the county treasurer who shall, within five (5) days after the  
22 end of the month, pay such fees to the state treasurer for deposit into  
23 the court technology fund.

24 (c) When the application to reopen a case consists only of a motion or  
25 other pleading to revive or renew a judgment, a fee of twenty-nine dol-  
26 lars (\$29.00) shall be paid by the party filing the motion or pleading.  
27 Nine dollars (\$9.00) of such fee shall be paid to the county treasurer  
28 for deposit in the district court fund of the county and twenty dollars  
29 (\$20.00) of such fee shall be paid to the county treasurer who shall,  
30 within five (5) days after the end of the month, pay such fees to the  
31 state treasurer for deposit into the court technology fund.

32 (11) Appeal to district court. A fee of thirty-five dollars (\$35.00)  
33 shall be paid by a party taking an appeal from the magistrate division of the  
34 district court to the district court; nine dollars (\$9.00) of such fee shall  
35 be paid to the county treasurer for deposit in the district court fund of the  
36 county; six dollars (\$6.00) of such fee shall be paid to the county treasurer  
37 who shall, within five (5) days after the end of the month, pay such fees to  
38 the state treasurer for deposit in the senior magistrate judges fund; and  
39 twenty dollars (\$20.00) of such fee shall be paid to the county treasurer who  
40 shall, within five (5) days after the end of the month, pay such fees to the  
41 state treasurer for deposit into the court technology fund. No additional  
42 fee shall be required if a new trial is granted.

43 (12) Appeal to supreme court. A fee of thirty-five dollars (\$35.00)  
44 shall be paid by the party taking an appeal from the district court to the  
45 supreme court for comparing and certifying the transcript on appeal, if such  
46 certificate is required. Nine dollars (\$9.00) of such fee shall be paid to  
47 the county treasurer for deposit in the district court fund of the county;  
48 six dollars (\$6.00) of such fee shall be paid to the county treasurer who  
49 shall, within five (5) days after the end of the month, pay such fees to the  
50 state treasurer for deposit in the senior magistrate judges fund; and twenty

1 dollars (\$20.00) of such fee shall be paid to the county treasurer who shall,  
2 within five (5) days after the end of the month, pay such fees to the state  
3 treasurer for deposit into the court technology fund.

4 (13) Fees not covered by this section, including fees to defray the  
5 costs of electronic access to court records other than the register of ac-  
6 tions, shall be set by rule or administrative order of the supreme court.

7 (14) All fees required to be paid by this section or by rule or admin-  
8 istrative order of the supreme court shall be collected by the clerk of the  
9 district court or by a person appointed by the clerk of the district court  
10 for this purpose. If it appears that there is a necessity for such fees to  
11 be collected by persons other than the clerk of the district court or a per-  
12 son designated by the clerk for such purpose, the supreme court by rule or  
13 administrative order may provide for the designation of persons authorized  
14 to receive such fees. Persons so designated shall account for such fees in  
15 the same manner required of the clerk of the district court and shall pay such  
16 fees to the clerk of the district court of the county in which such fees are  
17 collected.

18 (15) That portion of the filing fees required to be remitted to the state  
19 treasurer for deposit pursuant to subsections (1), (2), (3), (4), (6) and  
20 (10) of this section shall be apportioned eighty-six percent (86%) to the  
21 state general fund and fourteen percent (14%) to the peace officers stan-  
22 dards and training fund authorized in section 19-5116, Idaho Code, within  
23 five (5) days after the end of the month in which such fees were remitted to  
24 the county treasurer. That portion of the filing fees required to be remit-  
25 ted to a city treasurer for deposit in the city's general fund shall be re-  
26 mitted within five (5) days after the end of the month in which such fees were  
27 remitted to the county treasurer.

28 (16) Of the fees derived from the filing of any divorce action required  
29 to be transmitted to the state treasurer, the county treasurer shall retain  
30 five dollars (\$5.00), which shall be separately identified and deposited in  
31 the district court fund of the county. Such moneys shall be used exclusively  
32 for the purpose of establishing a uniform system of qualifying and approving  
33 persons, agencies or organizations to conduct evaluations of persons con-  
34 victed of domestic assault or battery as provided in section 18-918, Idaho  
35 Code, and the administration of section 18-918(7), Idaho Code, relating to  
36 the evaluation and counseling or other treatment of such persons, includ-  
37 ing the payment of the costs of evaluating and counseling or other treatment  
38 of an indigent defendant. No provision of chapter 52, title 39, Idaho Code,  
39 shall apply to the moneys provided for in this subsection.

40 (17) In consideration of the fees in this section, the clerk of the dis-  
41 trict court shall be required to perform all lawful service that may be re-  
42 quired of him by any party thereto; provided, that he shall not prepare and  
43 furnish any certified copy of any file or record in an action except printed  
44 transcript on appeal, without additional compensation as provided by law.

45 SECTION 24. That Section 31-3201B, Idaho Code, be, and the same is  
46 hereby amended to read as follows:

47 31-3201B. PEACE OFFICERS STANDARDS AND TRAINING -- FEE. The court  
48 shall charge a fee of fifteen dollars (\$15.00) for peace officers standards  
49 and training purposes to be paid by each person found guilty of any felony

1 or misdemeanor, or found to have committed an infraction or any minor traf-  
 2 fic, conservation or ordinance violation, except for cars unlawfully left  
 3 or parked or when the court orders such fee waived because the person is  
 4 indigent and unable to pay such fee; provided, however, that the judge or  
 5 magistrate may in his discretion consolidate separate nonmoving traffic  
 6 offenses into one (1) offense for purposes of assessing such fee. Such fees  
 7 shall be in addition to all other fines and fees levied. Such fees shall be  
 8 paid to the county treasurer who shall, within five (5) days after the end  
 9 of the month, pay such fees to the state treasurer for deposit in the peace  
 10 officers standards and training fund. The court may not charge such fee to  
 11 juveniles or their parents or other legally obligated person for any case  
 12 brought under the juvenile corrections act, chapter 5, title 20, Idaho Code.

13 SECTION 25. That Section 31-3201C, Idaho Code, be, and the same is  
 14 hereby amended to read as follows:

15 31-3201C. COMMUNITY SERVICE FEE. The court shall charge a fee of sixty  
 16 cents (60¢) per hour of community service to be remitted to the state insur-  
 17 ance fund for purposes of providing worker's compensation insurance for per-  
 18 sons performing community service; however, if a county is self-insured and  
 19 provides worker's compensation insurance for persons performing community  
 20 service, then remittance to the state insurance fund is not required. This  
 21 per hour fee shall be paid by each person found guilty of any felony or misde-  
 22 meanor and community service is provided as part of the sanction or as a con-  
 23 dition of a withheld judgment or probation. The court may waive such fee if  
 24 it determines the person is indigent and unable to pay such fee. Such fees  
 25 shall be in addition to all other fines and fees levied. Such fees shall be  
 26 paid to the district court and deposited in the county treasury for payment  
 27 to the state insurance fund. The court may not charge such fee to juveniles  
 28 or their parents or other legally obligated person for any case brought under  
 29 the juvenile corrections act, chapter 5, title 20, Idaho Code.

30 SECTION 26. That Section 31-3201D, Idaho Code, be, and the same is  
 31 hereby amended to read as follows:

32 31-3201D. COUNTY MISDEMEANOR PROBATION SUPERVISION FEE. (1) Any per-  
 33 son under a supervised probation program for a misdemeanor offense shall be  
 34 required to pay an amount not more than the maximum monthly felony proba-  
 35 tion or parole supervision fee set forth in section 20-225, Idaho Code, per  
 36 month, or such lesser sum as determined by the administrative judge of the  
 37 judicial district, as a misdemeanor probation supervision fee. Any failure  
 38 to pay such fee shall constitute grounds for the revocation of probation by  
 39 the court, but this shall not be the exclusive remedy for its collection. The  
 40 court for good cause may exempt a person from the payment of all or any part  
 41 of the foregoing fee. Juveniles and their parents or other legally obligated  
 42 person shall be exempt from this fee for any case brought under the juvenile  
 43 corrections act, chapter 5, title 20, Idaho Code.

44 (2) Any fee paid under this section on or after July 1, 2008, and regard-  
 45 less of whether the underlying judgment of conviction, withheld judgment or  
 46 order imposing probation was entered before or after that date, shall be paid  
 47 to the clerk of the district court, who shall pay the first one dollar (\$1.00)

1 of each monthly payment to the state treasurer for deposit in the peace  
2 officers standards and training fund authorized in section 19-5116, Idaho  
3 Code, to help offset the costs to counties for the basic training, continu-  
4 ing education and certification of misdemeanor probation officers, whether  
5 those officers are employees of or by private sector contract with a county;  
6 the clerk of the district court shall deposit the remainder of each monthly  
7 payment into the county misdemeanor probation fund which is hereby created  
8 in each county, or, at the option of the board of county commissioners, de-  
9 posited in the county justice fund to be used for the purposes described in  
10 this section. Moneys from this fee may be accumulated from year to year and  
11 shall be expended exclusively for county misdemeanor probation services and  
12 related purposes.

13 (3) This section shall not restrict the court from ordering the payment  
14 of other costs and fees, including but not limited to electronic monitoring  
15 fees and other fees pursuant to section 19-2608, Idaho Code, that, by law,  
16 may be imposed on persons who have been found guilty of or have pled guilty to  
17 a criminal offense, including those who have been placed on probation or pa-  
18 role. Such additional costs and fees shall be paid to the clerk of the court  
19 if services are provided by the county or directly to the agency providing  
20 the service. If fees are paid to the clerk of the court, the clerk of the  
21 court shall pay such fees to the county treasurer and such fees shall be used  
22 exclusively to cover the costs for which the additional fees have been or-  
23 dered.

24 SECTION 27. That Section 31-3201E, Idaho Code, be, and the same is  
25 hereby amended to read as follows:

26 31-3201E. DRUG COURT AND MENTAL HEALTH COURT FEE -- DRUG COURT AND  
27 MENTAL HEALTH COURT FUND. Each person admitted into a drug court or mental  
28 health court shall pay a drug court and mental health court fee in an amount  
29 not to exceed three hundred dollars (\$300) per month or a lesser amount as set  
30 by the administrative district judge for participants in the drug court and  
31 mental health court. For good cause, the judge presiding over a drug court  
32 or mental health court may exempt a participant from paying all or a portion  
33 of the drug court and mental health court fee. The fee imposed under this  
34 section shall be paid to the clerk of the district court for deposit into the  
35 county drug court and mental health court fund, which is hereby created in  
36 each county that has a drug court or mental health court. Moneys in this fund  
37 may be accumulated from year to year and shall be expended exclusively for  
38 expenses incurred in connection with the drug court or mental health court  
39 including, but not limited to, substance abuse treatment, mental health  
40 treatment, drug testing, supervision and private counseling services uti-  
41 lized by the drug court or mental health court. Any failure to pay the drug  
42 court and mental health court fee may constitute grounds for termination  
43 from drug court or mental health court by the court, provided this shall  
44 not be the exclusive remedy for collection of the fee. If a participant is  
45 terminated from the drug court or mental health court prior to successful  
46 completion of the program and a judgment of conviction is entered against the  
47 defendant, any unpaid drug court and mental health court fee shall be ordered  
48 by the court in the judgment of conviction, provided the court may order such  
49 fee to be waived if the court determines that the person is indigent and un-

1 able to pay the fee. Such fee shall be in addition to all other fines and fees  
2 levied, and the payment of such fee may also be ordered as a term and condi-  
3 tion of probation. Juveniles and their parents or other legally obligated  
4 person shall be exempt from this fee for any case brought under the juvenile  
5 corrections act, chapter 5, title 20, Idaho Code.

6 SECTION 28. An emergency existing therefor, which emergency is hereby  
7 declared to exist, this act shall be in full force and effect on and after  
8 July 1, 2022.