

IN THE SENATE

SENATE BILL NO. 1276

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO PAYMENTS TO THE COURT; AMENDING SECTION 31-3221, IDAHO CODE, TO REVISE A PROVISION REGARDING AN ELECTRONIC PAYMENT CONVENIENCE FEE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 31-3221, Idaho Code, be, and the same is hereby amended to read as follows:

31-3221. PAYMENTS TO COURT BY CREDIT CARD OR DEBIT CARD. (1) The clerk of the district court may accept payment of a debt owed to the court by a credit card or debit card. Any person making payment on a debt owed to the court by a credit card or debit card shall be assessed an electronic payment convenience fee established by the supreme court, which shall include, among other costs, the amount charged the court by the issuer for the use of the card. This fee may also be paid by credit card or debit card and included in the transaction for the payment of the debt owed to the court. The electronic payment convenience fee shall be separate from the debt owed to the court and shall be deposited into the court technology fund created in section 1-1623, Idaho Code, and shall be used for the implementation of the provisions of this section. The debt owed to the court shall not be expunged, canceled, released, discharged or satisfied and any receipt or other evidence of payment shall be deemed conditional until the court has received final and unconditional payment of the full amount due from the financing agency or card issuer for the transaction. If an electronic payment once made is subsequently denied, revoked or otherwise canceled for any reason, and the payment is withdrawn from the court, the court may proceed as though payment had never been made.

(2) Definitions. As used in this section:

(a) "Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.

(b) "Credit card" means any instrument or device, whether known as a credit card or credit plate or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(c) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.

(d) "Debt owed to the court" means any assessment of fines, court costs, surcharges, penalties, fees, restitution, cash deposit of bail, monies expended in providing counsel and other defense services to indi-

1 gent defendants, or other charges ~~which~~ that a court judgment has or-
2 dered to be paid to the court or ~~which~~ that a party has agreed to pay in
3 criminal or civil cases and includes any interest or penalty on such un-
4 paid amounts as provided for in the judgment or by law.

5 (e) "Issuer" means a business organization, financial institution or
6 authorized agent of a business organization or financial institution
7 that issues a credit card or debit card.

8 (3) The supreme court may adopt rules as deemed appropriate for the ad-
9 ministration of this section and may enter into contracts with an issuer or
10 other organization to implement the provisions of this section.

11 SECTION 2. An emergency existing therefor, which emergency is hereby
12 declared to exist, this act shall be in full force and effect on and after
13 July 1, 2024.