

IN THE SENATE

SENATE BILL NO. 1361

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO PUBLIC DEFENSE; AMENDING SECTION 19-862, IDAHO CODE, TO PROVIDE  
2 THAT MONEY TO ADMINISTER PUBLIC DEFENSE MAY BE APPROPRIATED FROM CER-  
3 TAIN FUNDS; AMENDING SECTION 31-3403, IDAHO CODE, TO REVISE A DEFINI-  
4 TION; AND AMENDING SECTION 63-805, IDAHO CODE, TO PROVIDE FOR PUBLIC DE-  
5 FENDER SERVICES.  
6

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

8 SECTION 1. That Section 19-862, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 19-862. APPROPRIATION FOR PUBLIC DEFENDER -- PRIVATE CONTRIBU-  
11 TIONS. (1) The board of county commissioners of each county shall annually  
12 appropriate enough money to administer the program of representation that it  
13 has elected under section 19-859, Idaho Code, and may appropriate such money  
14 from the justice fund as provided in section 31-4602, Idaho Code, the current  
15 expense fund as provided in section 63-805, Idaho Code, and as a means of pro-  
16 viding nonmedical indigent assistance in accordance with chapter 34, title  
17 31, Idaho Code.

18 (2) If the board of county commissioners of a county elects to estab-  
19 lish and maintain an office of public defender or a joint office of public  
20 defender, the county may accept private contributions toward the support of  
21 the office.

22 SECTION 2. That Section 31-3403, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

- 24 31-3403. DEFINITIONS. As used in this chapter:  
25 (1) "Adult household member" means any individual eighteen (18) years  
26 of age and over who resides in the household.  
27 (2) "Anticipated future income" means a reasonable expectation of in-  
28 come to the household based on an analysis of past income, future income,  
29 current income, experience, skills, education, inheritance and possible as-  
30 sets from any source.  
31 (3) "Applicant" means the individual and all others in the household  
32 who are requesting nonmedical assistance and who submit a county applica-  
33 tion.  
34 (4) "Assets" means property rights including, but not limited to, per-  
35 sonal, real, tangible and intangible property.  
36 (5) "Authorized representative" means the applicant's guardian or ap-  
37 pointed attorney-in-fact.  
38 (6) "Board" means a board of county commissioners.  
39 (7) "Clerk" means the clerk of a board of county commissioners or his  
40 designee.

1 (8) "Emergency" means any circumstance demanding immediate action.

2 (9) "Household" means a collective body of persons consisting of  
3 spouses or parents and their children who reside in the same residence; or  
4 all other persons who by choice or necessity are mutually dependent upon each  
5 other for basic necessities and who reside in the same residence.

6 (10) "Indigent" means any applicant who does not have resources avail-  
7 able from whatever source which shall be sufficient to enable the applicant  
8 to provide nonmedical assistance or a portion thereof.

9 (11) "Information release" means the document authorizing release of  
10 confidential information.

11 (12) "Investigation" means a detailed examination of the application  
12 and information required from the applicant and others to verify eligibil-  
13 ity.

14 (13) "Nonmedical assistance" means reasonable costs for assistance,  
15 which includes food, and shelter and provision of public defender services,  
16 and other such necessary services determined by the board by resolution.

17 (14) "Obligated county for payment" means the county wherein residency  
18 has been established.

19 (15) "Recipient" means the individual(s) determined eligible for  
20 county assistance.

21 (16) "Repayment" means the authority of the board of county commission-  
22 ers to require indigent person(s) to repay the county for assistance when in-  
23 vestigation of their application determines their ability to do so.

24 (17) "Resident" means a person with a home, house, place of abode, place  
25 of habitation, dwelling or place where one actually lived for a consecutive  
26 period of thirty (30) days or more prior to the date of application.

27 (18) "Resource" means assets, whether tangible or intangible, real or  
28 personal, liquid or nonliquid, including, but not limited to, gifts, be-  
29 quests, grants, all forms of public or private assistance, crime victims  
30 compensation, worker's compensation, veteran's benefits, medicaid, medi-  
31 care and any other property from any source for which an applicant and/or  
32 an obligated person may be eligible or in which he or she may have an inter-  
33 est. For purposes of determining approval for nonmedical indigency only,  
34 resources shall not include the value of the homestead of the applicant or  
35 obligated person's residence, a burial plot, exemptions for personal prop-  
36 erty allowed in section 11-605(1) through (3), Idaho Code, and additional  
37 exemptions allowed by county resolution.

38 SECTION 3. That Section 63-805, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

40 63-805. ANNUAL LEVIES. (1) The county commissioners of each county  
41 in this state may levy annually upon all taxable property of said county, a  
42 property tax for general county purposes, including the provision of pub-  
43 lic defender services, to be collected and paid into the county treasury  
44 and apportioned to the county current expense fund which levy shall not  
45 exceed twenty-six hundredths percent (.26%) of market value for assessment  
46 purposes of such property, or a levy sufficient to raise two hundred fifty  
47 thousand dollars (\$250,000), whichever is greater. If a county establishes  
48 the justice fund, as provided in section 31-4602, Idaho Code, the maximum  
49 current expense levy shall be reduced to twenty hundredths percent (.20%)

1 of market value for assessment purposes, or a levy sufficient to raise two  
2 hundred fifty thousand dollars (\$250,000), whichever is greater.

3 (2) The county commissioners of each county in this state may levy upon  
4 all taxable property of said county, a property tax for the purposes set  
5 forth in the statutes authorizing a county justice fund, to be collected and  
6 paid into the county treasury and apportioned to the county justice fund,  
7 if one has been established. Said levy shall not exceed twenty hundredths  
8 percent (.20%) of market value for assessment purposes of such property, or  
9 a levy sufficient to raise two hundred fifty thousand dollars (\$250,000),  
10 whichever is greater.

11 The county commissioners shall have the right to make a "general reserve  
12 appropriation," said appropriation not to exceed five percent (5%) of the  
13 county justice fund budget as finally adopted. The total levy, however, for  
14 the county justice fund, including the "general reserve appropriation,"  
15 shall be within the limitations imposed by chapter 8, title 63, Idaho Code,  
16 or by any statutes of the state of Idaho in force and effect.

17 (3) Annually, before the second Monday in September, the board of  
18 trustees of any school district within the county having determined the num-  
19 ber, if any, of pupils in average daily attendance above the number included  
20 in the last annual report thereof, and the amount of money required to pro-  
21 vide the educational support programs and transportation support programs  
22 for such additional pupils in average daily attendance, as defined in chap-  
23 ter 10, title 33, Idaho Code, the county commissioners shall determine the  
24 total of such new requirements within the county and upon the taxable prop-  
25 erty situate within the district requesting the same, and the county commis-  
26 sioners shall levy a tax sufficient to provide such amount, provided in no  
27 case shall the levy be more than six-hundredths percent (.06%) of the taxable  
28 value of the property to be collected and paid to the requesting district.

29 (4) (a) The county commissioners of each county in this state may levy  
30 annually upon all taxable property of its county, a property tax for the  
31 acquisition, maintenance and operation of public parks or public recre-  
32 ational facilities, to be collected and paid into the county treasury  
33 and apportioned to a fund to be designated as the "parks and recreation  
34 fund," which is hereby created, and such county commissioners may ap-  
35 propriate otherwise unappropriated funds for such purposes. No levy  
36 made under this subsection shall exceed one-hundredth percent (.01%) of  
37 the market value for assessment purposes on all taxable property within  
38 the district.

39 (b) Any funds unexpended from the "parks and recreation fund," or any  
40 funds unexpended from the current year's certified parks and recreation  
41 budget may be retained in, or deposited to, the "parks and recreation  
42 fund" for the purpose of future land acquisition, park expansion or im-  
43 provement, or the acquisition of operating equipment. The maximum ac-  
44 cumulation of funds allowable shall not exceed twice the amount of money  
45 provided by the levy authorized in paragraph (a) of this subsection.

46 (5) Upon the same property and for the same year the county commis-  
47 sioners must also levy such other property taxes as may be necessary for the pay-  
48 ment of the interest on county bonds or to provide a sinking fund for the re-  
49 demption of county bonds or such other authorized taxes as may be necessary

1 for any other or special purposes, to be collected and paid into the county  
2 treasury and apportioned as provided by the laws of this state.