

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 542

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO DISTRICT COURT FEES; AMENDING SECTION 31-3201, IDAHO CODE, TO
REVISE A DEADLINE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
31-3201A, IDAHO CODE, TO REVISE DEADLINES AND TO MAKE TECHNICAL CORREC-
TIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

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

For filing and docketing abstract or transcript of judgment from an-
other court\$2.00

For issuing execution upon an abstract or transcript of judgment and
filing same on return\$2.00

For recording execution issued upon abstract or transcript of judgment,
per page\$2.00

For taking affidavits, including jurat\$1.00

For taking acknowledgments, including seal\$1.00

For filing and indexing designation of agent of foreign corporation ...
.....\$2.00

For filing and indexing notarial statement\$2.00

For making copy of any file or record, ~~by the clerk, the clerk shall~~
~~charge and receive,~~ per page\$1.00

For comparing and conforming a prepared copy of any file or record, ~~the~~
~~clerk shall charge and receive,~~ per page \$.50

For certifying the same an additional fee for certificate and seal
.....\$1.00

For all services not herein enumerated, and of him lawfully required,
the clerk of the district court shall demand and receive such fees as are
herein allowed for similar services.

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

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

1 and shall collect ten dollars (\$10.00) as an administrative surcharge fee on
 2 each civil case, including each appeal, to be paid over to the county trea-
 3 surer for the support of the county court facilities fund, or to the district
 4 court fund if no county court facilities fund has been established.

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

8 (5) Provided further, in addition to all other fines, forfeitures and
 9 costs levied by the court, the clerk of the district court shall collect ten
 10 dollars (\$10.00) as a court technology fee on each criminal and infraction
 11 offense to be paid over to the county treasurer, who shall, within ~~five (5)~~
 12 fifteen (15) days after the end of the month, pay such fee to the state trea-
 13 surer for deposit into the court technology fund.

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

16 31-3201A. COURT FEES. The clerk of the district court in addition to
 17 the fees and charges imposed by chapter 20, title 1, Idaho Code, and by sec-
 18 tion 31-3201, Idaho Code, and in addition to the fee levied by chapter 2, ti-
 19 tle 73, Idaho Code, shall charge, demand and receive the following fees for
 20 services rendered by him in discharging the duties imposed upon him by law:

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

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

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

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

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

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

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

35 (v) Petitions for sterilization;

36 (vi) Petitions for judicial consent to abortion;

37 (vii) Registration of trusts and renunciations;

38 (viii) Petitions for leave to compromise the disputed claim of a
 39 minor;

40 (ix) Petitions for a civil protection order or to enforce a for-
 41 eign civil protection order pursuant to chapter 63, title 39,
 42 Idaho Code;

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

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

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

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

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

The filing fee shall be distributed as follows: twenty-three dollars (\$23.00) of such filing fee shall be paid to the county treasurer for deposit in the district court fund of the county, with six dollars (\$6.00) of such twenty-three dollars (\$23.00) dedicated to provide for the suitable and adequate quarters of the magistrate's division of the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff personnel, supplies and other expenses of the magistrate's division; one dollar (\$1.00) of such filing fee shall be paid to the peace officers standards and training fund established in section 19-5116, Idaho Code; one hundred thirty-five dollars (\$135) of such filing fee, or in a case assigned to the magistrate division of the district court eighty dollars (\$80.00) of such filing fee, shall be paid to the county treasurer who shall, within ~~five (5)~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund; ten dollars (\$10.00) of such filing fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; and six dollars (\$6.00) of such filing fee shall be paid to the county treasurer, who shall, within ~~five (5)~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(2) Felonies and misdemeanors. A fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not in advance, by each person found guilty of any felony or misdemeanor, except when the court orders such fee waived because the person is indigent and unable to pay such fee. Eleven dollars (\$11.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county, with six dollars (\$6.00) of such eleven dollars (\$11.00) dedicated to provide for the suitable and adequate quarters of the magistrate's division of the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff personnel, supplies and other expenses of the magistrate's division; one dollar (\$1.00) of such filing fee shall be paid to the peace officers standards and training fund established in section 19-5116, Idaho Code; and five dollars and fifty cents (\$5.50) of such fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section.

(3) Infractions. A fee of sixteen dollars and fifty cents (\$16.50) shall be paid, but not in advance, by each person found to have committed an infraction or any minor traffic, conservation or ordinance violation, and a fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not in advance, by each person found to have committed an infraction under section 18-8001 or 49-301, Idaho Code, or a first-time infraction under section 23-604 or 23-949, Idaho Code, and distributed pursuant to subsection (2) of this section; provided that the judge or magistrate may in his or her discretion consolidate separate nonmoving traffic offenses into one (1) offense for purposes of assessing such fee. Eleven dollars (\$11.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county, with six dollars (\$6.00) of such eleven dollars (\$11.00) dedi-

1 cated to provide for the suitable and adequate quarters of the magistrate's
 2 division of the district court, including the facilities and equipment nec-
 3 essary to make the space provided functional for its intended use, and shall
 4 provide for the staff personnel, supplies and other expenses of the magis-
 5 trate's division; one dollar (\$1.00) of such filing fee shall be paid to the
 6 peace officers standards and training fund established in section 19-5116,
 7 Idaho Code; and four dollars and fifty cents (\$4.50) of such fee shall be paid
 8 to the county treasurer, who shall pay such fees to the state treasurer for
 9 deposit in accordance with subsection (15) of this section.

10 (4) Initial appearance other than plaintiff. A fee of one hundred dol-
 11 lars (\$100) shall be paid for any filing constituting the initial appearance
 12 by a party, except the plaintiff, in any civil action in the district court
 13 or in the magistrate division of the district court, except small claims. If
 14 two (2) or more parties are making their initial appearance in the same fil-
 15 ing, then only one (1) filing fee shall be collected. Of such fee, four dol-
 16 lars (\$4.00) shall be paid to the county treasurer for deposit in the dis-
 17 trict court fund of the county; eighty dollars (\$80.00) of such fee shall be
 18 paid to the county treasurer, who shall, within ~~five (5)~~ fifteen (15) days
 19 after the end of the month, pay such fees to the state treasurer for deposit
 20 into the court technology fund; ten dollars (\$10.00) of such fee shall be
 21 paid to the county treasurer, who shall pay such fees to the state treasurer
 22 for deposit in accordance with subsection (15) of this section; and six dol-
 23 lars (\$6.00) of such fee shall be paid to the county treasurer, who shall,
 24 within ~~five (5)~~ fifteen (15) days after the end of the month, pay such fees to
 25 the state treasurer for deposit in the senior magistrate judges fund.

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

30 (6) Distribution of estate. A fee of twenty-five dollars (\$25.00)
 31 shall be paid upon the filing of a petition of the executor or administrator
 32 or of any person interested in an estate for the distribution of such estate,
 33 six dollars (\$6.00) of such fee shall be paid to the county treasurer for
 34 deposit in the district court fund of the county; thirteen dollars (\$13.00)
 35 of such fee shall be paid to the county treasurer, who shall pay such fees
 36 to the state treasurer for deposit in accordance with subsection (15) of
 37 this section; and six dollars (\$6.00) of such fee shall be paid to the county
 38 treasurer, who shall, within ~~five (5)~~ fifteen (15) days after the end of the
 39 month, pay such fees to the state treasurer for deposit in the senior magis-
 40 trate judges fund.

41 (7) Third-party claim. A fee of fourteen dollars (\$14.00) shall be paid
 42 by a party filing a third-party claim as defined in the Idaho rules of civil
 43 procedure. Eight dollars (\$8.00) of such fee shall be paid to the county
 44 treasurer for deposit in the district court fund of the county; and six dol-
 45 lars (\$6.00) of such fee shall be paid to the county treasurer, who shall,
 46 within ~~five (5)~~ fifteen (15) days after the end of the month, pay such fees to
 47 the state treasurer for deposit in the senior magistrate judges fund.

48 (8) Cross-claims. A fee of fourteen dollars (\$14.00) shall be paid
 49 by any party filing a cross-claim. Eight dollars (\$8.00) of such fee shall
 50 be paid to the county treasurer for deposit in the district court fund of

1 the county; and six dollars (\$6.00) of such fee shall be paid to the county
 2 treasurer, who shall, within ~~five (5)~~ fifteen (15) days after the end of the
 3 month, pay such fees to the state treasurer for deposit in the senior magis-
 4 trate judges fund.

5 (9) Change of venue. A fee of twenty-nine dollars (\$29.00) shall be
 6 paid by a party initiating a change of venue. Such fee shall be paid to the
 7 clerk of the court of the county to which venue is changed. Nine dollars
 8 (\$9.00) of such fee shall be paid to the county treasurer for deposit in the
 9 district court fund of the county and twenty dollars (\$20.00) of such fee
 10 shall be paid to the county treasurer, who shall, within ~~five (5)~~ fifteen
 11 (15) days after the end of the month, pay such fees to the state treasurer for
 12 deposit into the court technology fund.

13 (10) Reopening a case.

14 (a) A fee of eighty-five dollars (\$85.00) shall be paid by any party
 15 appearing after judgment or applying to reopen a case. Nine dollars
 16 (\$9.00) of such fee shall be paid to the county treasurer for deposit
 17 in the district court fund of the county; six dollars (\$6.00) of such
 18 fee shall be paid to the county treasurer, who shall, within ~~five (5)~~
 19 fifteen (15) days after the end of the month, pay such fees to the state
 20 treasurer for deposit in the senior magistrate judges fund; and seventy
 21 dollars (\$70.00) of such fee shall be paid to the county treasurer, who
 22 shall, within ~~five (5)~~ fifteen (15) days after the end of the month, pay
 23 such fees to the state treasurer for deposit into the court technology
 24 fund.

25 (b) A fee of one hundred eight dollars (\$108) shall be paid by a party
 26 applying to reopen a divorce action or modify a divorce decree, with
 27 seventeen dollars (\$17.00) of the fee to be paid to the county treasurer
 28 for deposit in the district court fund of the county; fifteen dollars
 29 (\$15.00) of such fee to be paid to the county treasurer, who shall pay
 30 such fees to the state treasurer for deposit in accordance with subsec-
 31 tion (15) of this section; six dollars (\$6.00) of such fee to be paid to
 32 the county treasurer, who shall, within ~~five (5)~~ fifteen (15) days after
 33 the end of the month, pay such fees to the state treasurer for deposit in
 34 the senior magistrate judges fund; and seventy dollars (\$70.00) of such
 35 fee shall be paid to the county treasurer, who shall, within ~~five (5)~~
 36 fifteen (15) days after the end of the month, pay such fees to the state
 37 treasurer for deposit into the court technology fund.

38 (c) When the application to reopen a case consists only of a motion or
 39 other pleading to revive or renew a judgment, a fee of twenty-nine dol-
 40 lars (\$29.00) shall be paid by the party filing the motion or pleading.
 41 Nine dollars (\$9.00) of such fee shall be paid to the county treasurer
 42 for deposit in the district court fund of the county and twenty dollars
 43 (\$20.00) of such fee shall be paid to the county treasurer, who shall,
 44 within ~~five (5)~~ fifteen (15) days after the end of the month, pay such
 45 fees to the state treasurer for deposit into the court technology fund.

46 (11) Appeal to district court. A fee of thirty-five dollars (\$35.00)
 47 shall be paid by a party taking an appeal from the magistrate division of
 48 the district court to the district court; nine dollars (\$9.00) of such fee
 49 shall be paid to the county treasurer for deposit in the district court fund
 50 of the county; six dollars (\$6.00) of such fee shall be paid to the county

1 treasurer, who shall, within ~~five (5)~~ fifteen (15) days after the end of the
2 month, pay such fees to the state treasurer for deposit in the senior magis-
3 trate judges fund; and twenty dollars (\$20.00) of such fee shall be paid to
4 the county treasurer, who shall, within ~~five (5)~~ fifteen (15) days after the
5 end of the month, pay such fees to the state treasurer for deposit into the
6 court technology fund. No additional fee shall be required if a new trial is
7 granted.

8 (12) Appeal to supreme court. A fee of thirty-five dollars (\$35.00)
9 shall be paid by the party taking an appeal from the district court to the
10 supreme court for comparing and certifying the transcript on appeal, if such
11 certificate is required. Nine dollars (\$9.00) of such fee shall be paid to
12 the county treasurer for deposit in the district court fund of the county;
13 six dollars (\$6.00) of such fee shall be paid to the county treasurer, who
14 shall, within ~~five (5)~~ fifteen (15) days after the end of the month, pay
15 such fees to the state treasurer for deposit in the senior magistrate judges
16 fund; and twenty dollars (\$20.00) of such fee shall be paid to the county
17 treasurer, who shall, within ~~five (5)~~ fifteen (15) days after the end of the
18 month, pay such fees to the state treasurer for deposit into the court tech-
19 nology fund.

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

23 (14) All fees required to be paid by this section or by rule or admin-
24 istrative order of the supreme court shall be collected by the clerk of the
25 district court or by a person appointed by the clerk of the district court
26 for this purpose. If it appears that there is a necessity for such fees to
27 be collected by persons other than the clerk of the district court or a per-
28 son designated by the clerk for such purpose, the supreme court by rule or
29 administrative order may provide for the designation of persons authorized
30 to receive such fees. Persons so designated shall account for such fees in
31 the same manner required of the clerk of the district court and shall pay such
32 fees to the clerk of the district court of the county in which such fees are
33 collected.

34 (15) That portion of the filing fees required to be remitted to the state
35 treasurer for deposit pursuant to subsections (1), (2), (3), (4), (6) and
36 (10) of this section shall be apportioned eighty-six percent (86%) to the
37 state general fund and fourteen percent (14%) to the peace officers stan-
38 dards and training fund authorized in section 19-5116, Idaho Code, within
39 ~~five (5)~~ fifteen (15) days after the end of the month in which such fees were
40 remitted to the county treasurer. That portion of the filing fees required
41 to be remitted to a city treasurer for deposit in the city's general fund
42 shall be remitted within ~~five (5)~~ fifteen (15) days after the end of the month
43 in which such fees were remitted to the county treasurer.

44 (16) Of the fees derived from the filing of any divorce action required
45 to be transmitted to the state treasurer, the county treasurer shall retain
46 five dollars (\$5.00), which shall be separately identified and deposited in
47 the district court fund of the county. Such moneys shall be used exclusively
48 for the purpose of establishing a uniform system of qualifying and approving
49 persons, agencies or organizations to conduct evaluations of persons con-
50 victed of domestic assault or battery as provided in section 18-918, Idaho

1 Code, and the administration of section 18-918(7), Idaho Code, relating to
2 the evaluation and counseling or other treatment of such persons, includ-
3 ing the payment of the costs of evaluating and counseling or other treatment
4 of an indigent defendant. No provision of chapter 52, title 39, Idaho Code,
5 shall apply to the moneys provided for in this subsection.

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

11 SECTION 3. 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, 2022.