

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 613

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO ADVERTISING ILLEGAL PRODUCTS AND SERVICES; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 89, TITLE 18, IDAHO CODE, TO PROHIBIT THE ADVERTISING OF ILLEGAL PRODUCTS AND SERVICES; AMENDING SECTION 19-4705, IDAHO CODE, TO PROVIDE FOR THE APPORTIONMENT OF CERTAIN FINES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 89, Title 18, Idaho Code, and to read as follows:

CHAPTER 89
ADVERTISING ILLEGAL PRODUCTS AND SERVICES

18-8901. ADVERTISING ILLEGAL PRODUCTS AND SERVICES PROHIBITED. Any person who willfully publishes any notice or advertisement, in any medium, within the state of Idaho for a product or service that is illegal under the laws of the jurisdiction where the product or service is offered, including federal, state, or local laws, is guilty of a misdemeanor.

SECTION 2. That Section 19-4705, Idaho Code, be, and the same is hereby amended to read as follows:

19-4705. PAYMENT OF FINES AND FORFEITURES -- SATISFACTION OF JUDGMENT -- DISPOSITION -- APPORTIONMENT. (1) Except as otherwise provided in subsection (2) of this section:

- (a) All fines and forfeitures collected pursuant to the judgment of any court of the state shall be remitted to the court in which the judgment was rendered. The judgment shall then be satisfied by entry in the docket of the court. The clerk of the court shall daily remit all fines and forfeitures to the county auditor, who shall at the end of each month apportion the proceeds according to the provisions of this chapter. Other existing laws regarding the disposition of fines and forfeitures are hereby repealed to the extent such laws are inconsistent with the provisions of this chapter, except as provided in section 49-1013(5), Idaho Code.
- (b) Fines and forfeitures remitted for violations of fish and game laws shall be apportioned two and one-half percent (2 1/2%) to the state treasurer for deposit in the state general fund, ten percent (10%) to the search and rescue account, twenty-two and one-half percent (22 1/2%) to the district court fund, and sixty-five percent (65%) to the public shooting range fund as provided in section 36-418, Idaho Code.

1 (c) Fines and forfeitures remitted for violations of state motor ve-
2 hicle laws, for violation of state driving privilege laws, and for
3 violation of state laws prohibiting driving while under the influence
4 of alcohol, drugs or any other intoxicating substances shall be appor-
5 tioned ten percent (10%) to the state treasurer, of which eighty-six
6 percent (86%) shall be deposited to the state general fund and fourteen
7 percent (14%) shall be deposited to the peace officers standards and
8 training fund authorized in section 19-5116, Idaho Code, forty-five
9 percent (45%) to the state treasurer for deposit in the highway distri-
10 bution account, twenty-two and one-half percent (22 1/2%) to the dis-
11 trict court fund, and twenty-two and one-half percent (22 1/2%) to the
12 state treasurer for deposit in the public school income fund; provided,
13 however, that fines and forfeitures remitted for violation of state mo-
14 tor vehicle laws, for violation of state driving privilege laws, and for
15 violation of state laws prohibiting driving while under the influence
16 of alcohol, drugs or any other intoxicating substances, where an arrest
17 is made or a citation is issued by a city law enforcement official or by
18 a law enforcement official of a governmental agency under contract to
19 provide law enforcement services for a city, shall be apportioned ten
20 percent (10%) to the state treasurer, of which eighty-six percent (86%)
21 shall be deposited to the state general fund and fourteen percent (14%)
22 shall be deposited to the peace officers standards and training fund
23 authorized in section 19-5116, Idaho Code, and ninety percent (90%) to
24 the city whose officer made the arrest or issued the citation.

25 (d) Fines and forfeitures remitted for violation of any state law not
26 involving fish and game laws, motor vehicle laws, state driving privi-
27 lege laws, or state laws prohibiting driving while under the influence
28 of alcohol, drugs or any other intoxicating substances shall be appor-
29 tioned ten percent (10%) to the state treasurer, of which eighty-six
30 percent (86%) shall be deposited to the state general fund and fourteen
31 percent (14%) shall be deposited to the peace officers standards and
32 training fund authorized in section 19-5116, Idaho Code, and ninety
33 percent (90%) to the district court fund of the county in which the vio-
34 lation occurred.

35 (e) Fines and forfeitures remitted for violation of county ordinances
36 shall be apportioned ten percent (10%) to the state treasurer, of which
37 eighty-six percent (86%) shall be deposited to the state general fund
38 and fourteen percent (14%) shall be deposited to the peace officers
39 standards and training fund authorized in section 19-5116, Idaho Code,
40 and ninety percent (90%) to the district court fund of the county whose
41 ordinance was violated.

42 (f) Fines and forfeitures remitted for violation of city ordinances
43 shall be apportioned ten percent (10%) to the state treasurer, of which
44 eighty-six percent (86%) shall be deposited to the state general fund
45 and fourteen percent (14%) shall be deposited to the peace officers
46 standards and training fund authorized in section 19-5116, Idaho Code,
47 and ninety percent (90%) to the city whose ordinance was violated.

48 (g) Fines and forfeitures remitted for violations not specified in this
49 chapter shall be apportioned ten percent (10%) to the state treasurer,
50 of which eighty-six percent (86%) shall be deposited to the state gen-

1 eral fund and fourteen percent (14%) shall be deposited to the peace of-
2 ficers standards and training fund authorized in section 19-5116, Idaho
3 Code, and ninety percent (90%) to the district court fund of the county
4 in which the violation occurred, except in cases where a duly designated
5 officer of any city police department or city law enforcement official
6 made the arrest for any such violation, in which case ninety percent
7 (90%) shall be apportioned to the city whose officer made the arrest.

8 (h) Fines and forfeitures remitted for violations involving any of the
9 provisions of chapter 71, title 67, Idaho Code, shall be apportioned ten
10 percent (10%) to the state treasurer, of which eighty-six percent (86%)
11 shall be deposited to the state general fund and fourteen percent (14%)
12 shall be deposited to the peace officers standards and training fund au-
13 thorized in section 19-5116, Idaho Code, and ninety percent (90%) to the
14 general fund of the county or city whose law enforcement official issued
15 the citation.

16 (i) Fines and forfeitures remitted for violations of overweight laws
17 as provided in section 49-1013(3), Idaho Code, shall be deposited one
18 hundred percent (100%) into the highway distribution account.

19 (j) Fines remitted for violations of section 18-7008, Idaho Code, shall
20 be apportioned ten percent (10%) to the district court fund, sixty-five
21 percent (65%) to the county where the trespass occurred for appropria-
22 tion to the sheriff's office, and twenty-five percent (25%) to the Idaho
23 rangeland resources commission for expanded education programs regard-
24 ing private property rights and land user responsibility.

25 (k) Fines remitted for violations of section 18-8901, Idaho Code, shall
26 be apportioned ninety percent (90%) to the county where the violation
27 occurred for appropriation to the sheriff's office and ten percent
28 (10%) to the district court fund of the county where the violation oc-
29 curring.

30 (2) Any fine or forfeiture remitted for any misdemeanor violation for
31 which an increase in the maximum fine became effective on or after July 1,
32 2005, shall be apportioned as follows:

33 (a) Any funds remitted, up to the maximum amount that could have been
34 imposed before July 1, 2005, as a fine for the misdemeanor violation
35 shall be apportioned according to the applicable provisions of subsec-
36 tion (1) of this section; and

37 (b) Any other funds remitted, in excess of the maximum amount that could
38 have been imposed before July 1, 2005, as a fine for the misdemeanor vi-
39 olation shall be remitted to the state treasurer and shall be deposited
40 in the drug court, mental health court and family court services fund as
41 set forth in section 1-1625, Idaho Code.

42 (3) As used in this section, the term "city law enforcement official"
43 shall include an official of any governmental agency providing law enforce-
44 ment services to a city in accordance with the terms of a contract or agree-
45 ment, when such official makes the arrest or issues a citation within the ge-
46 ographical limits of the city and when the contract or agreement provides for
47 payment to the city of fines and forfeitures resulting from such service.

48 SECTION 3. An emergency existing therefor, which emergency is hereby
49 declared to exist, this act shall be in full force and effect on and after
50 July 1, 2024.