

# Delinquent Debt Workgroup





# Workgroup Objectives

- ▶ Prepare a comprehensive package for the Elected Clerks and Idaho Supreme Court
- ▶ Review and finalize a proposal to identify and systematically remove delinquent debt
- ▶ Develop recommendations for statewide consistency and collection moving forward that align with court rules and statutes
- ▶ Enhance stakeholder collaboration for better collection efforts

## Workgroup Members

- ❖ CLERKS: Kristina Glascock, Chair; Doug Miller and Sharee Sprague
- ❖ TCA'S: 1st District – Lisa Chesebro; 7th District – Tammie Whyte
- ❖ JUDGES: David Cousin; Michael Dean; James Cawthon; Shane Darrington
- ❖ AOC: Michelle Crist-Aguiar; Andrew Wake (Mandy Robbins, Rachel Andona, Rene Nelson)

# IMPORTANCE OF GOOD DATA ENTRY

- ▶ Website lists delinquent Court Debt to be around \$300 Million Dollars
- ▶ Upon querying data in the system, that amount is over \$555 Million Dollars
- ▶ What caused the difference?

**50% of overall debt  
is related to restitution**



# IDAHO COURTS – DELINQUENT DEBT

## Idaho Courts - Delinquent Debt

As of August 6, 2025

### Total Idaho Delinquent Debt - Adult and Juvenile

	< 1 Year	1-2 Years	3-5 Years	6-8 Years	9-10 Years	11-15 Years	16-20 Years	> 20 Years	Total
Adult	37,194,078	66,624,940	79,580,397	85,185,660	35,128,769	81,541,907	65,561,309	82,600,207	533,417,267
Juvenile	1,098,365	2,350,149	2,667,988	3,667,102	2,271,735	3,421,491	3,333,118	3,365,974	22,175,921
	38,292,443	68,975,089	82,248,385	88,852,762	37,400,504	84,963,397	68,894,427	85,966,181	555,593,188

### By Fee Category - All Debt

By Fee Category	< 1 Year	1-2 Years	3-5 Years	6-8 Years	9-10 Years	11-15 Years	16-20 Years	> 20 Years	Total
Court Costs & Fees	12,844,239	23,357,179	30,627,816	22,881,809	9,514,797	18,678,336	10,992,999	7,957,006	136,854,181
Fines	8,422,539	14,016,209	19,026,829	15,167,307	7,481,161	17,791,880	19,379,642	20,362,629	121,648,196
Restitution	17,025,666	31,601,701	32,593,740	50,803,646	20,404,546	48,493,180	38,521,786	57,646,546	297,090,812
	38,292,443	68,975,089	82,248,385	88,852,762	37,400,504	84,963,397	68,894,427	85,966,181	555,593,188

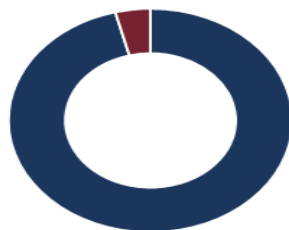
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By Fee Category	< 1 Year	1-2 Years	3-5 Years	6-8 Years	9-10 Years	11-15 Years	16-20 Years	> 20 Years	Total
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Fines	8,409,601	14,002,481	19,025,698	15,166,638	7,480,046	17,788,813	19,374,903	20,357,091	121,605,270
Restitution	16,256,005	29,989,719	31,229,367	47,787,909	18,858,373	46,231,882	36,432,592	54,727,533	281,513,379
	37,194,078	66,624,940	79,580,397	85,185,660	35,128,769	81,541,907	65,561,309	82,600,207	533,417,267

### By Fee Category - Juvenile Debt

By Fee Category	< 1 Year	1-2 Years	3-5 Years	6-8 Years	9-10 Years	11-15 Years	16-20 Years	> 20 Years	Total
Court Costs & Fees	315,766	724,438	1,302,483	650,695	724,447	1,157,125	1,239,185	441,423	6,555,563
Fines	12,938	13,728	1,131	670	1,115	3,068	4,739	5,538	42,926
Restitution	769,661	1,611,983	1,364,374	3,015,737	1,546,173	2,261,298	2,089,194	2,919,014	15,577,433
	1,098,365	2,350,149	2,667,988	3,667,102	2,271,735	3,421,491	3,333,118	3,365,974	22,175,921

Debt Comparison - Adult to Juvenile



■ Adult ■ Juvenile

Debt Comparison - By Fee Category

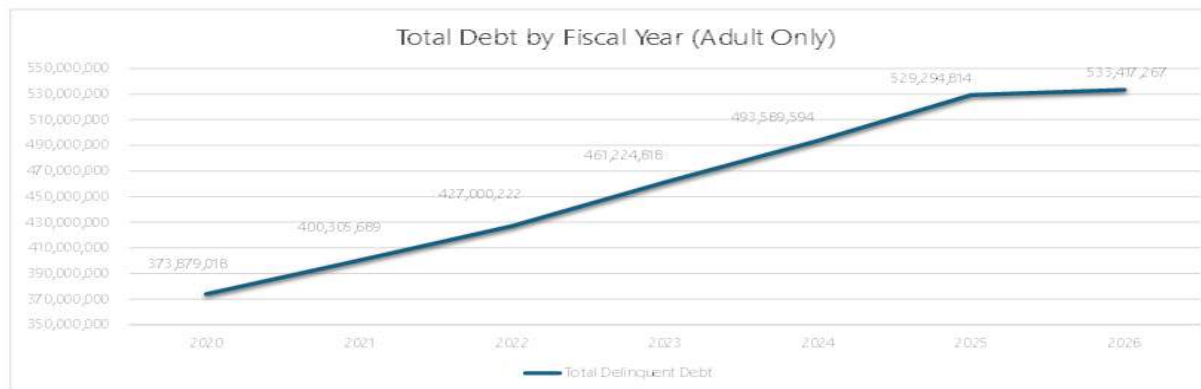


■ Court Costs & Fees ■ Fines ■ Restitution

# IDAHO COURTS – DELINQUENT DEBT

Idaho Courts - Delinquent Debt  
As of August 6, 2025

	Adult	Juvenile	Total
Idaho Delinquent Debt	533,417,267	22,175,921	555,593,188
Less: Restitution - Adult & Juvenile	(281,513,379)	(15,577,433)	(297,090,812)
Potential Deemed Uncollectible	251,903,888	6,598,488	258,502,377
	45.3%	1.2%	46.5%
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Aged Debt:			
11-15 Years Delinquent	35,310,024	1,160,192	36,470,217
16-20 Years Delinquent	29,128,717	1,243,924	30,372,641
> 20 Years	27,872,674	446,961	28,319,635
	92,311,415	2,851,077	95,162,492
% to Total ID Delinquent Debt	17.3%	12.9%	17.1%
% to Deemed Uncollectible	36.6%	43.2%	36.8%
Balance < 10 Years	159,592,473	3,747,412	163,339,884

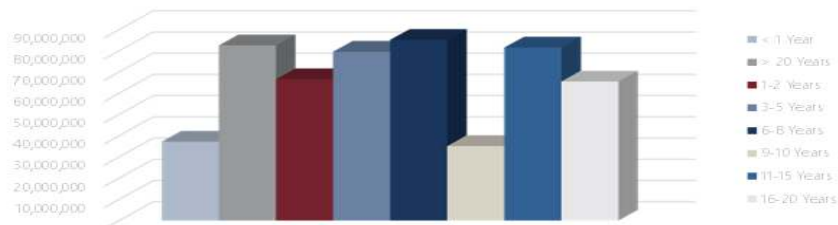


Annual Increase in Delinquent Debt - Adult Only							
	2020	2021	2022	2023	2024	2025	2026
Total Delinquent Debt	373,879,018	400,305,689	427,000,222	461,224,818	493,589,594	529,294,814	533,417,267
Annual Increase	25,997,551	26,426,671	26,694,533	34,224,596	32,364,776	35,705,220	4,122,453
% Increase	7.5%	7.1%	6.7%	8.0%	7.0%	7.2%	0.8%

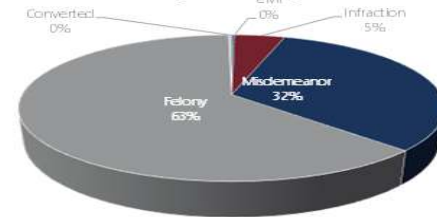
# IDAHO COURTS – DELINQUENT DEBT

Idaho Courts – Delinquent Debt  
As of August 6, 2025

Aging of Court Debt



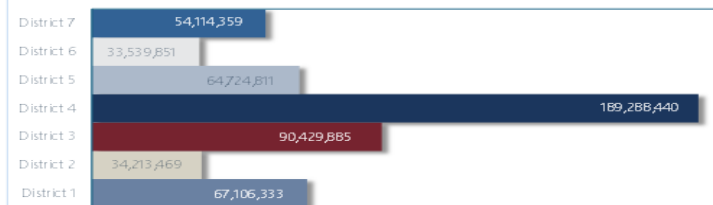
Debt by Case Degree



By Case Degree – Adult Only

	< 1 Year	1-2 Years	3-5 Years	6-8 Years	9-10 Years	11-15 Years	16-20 Years	> 20 Years	Total
Civil	58,912	88,645	119,359	179,606	124,676	332,788	436,716	-	1,340,702
Infraction	4,966,934	7,760,875	10,668,823	382,093	108,591	121,442	78,417	50,950	24,138,125
Misdemeanor	10,843,063	15,008,962	22,018,831	27,483,617	13,154,354	32,266,088	25,302,562	24,969,655	171,047,132
Felony	21,303,785	43,696,728	46,524,600	56,171,648	21,513,079	47,958,036	38,026,067	55,563,768	330,757,712
Converted	3,768	45,494	173,671	288,467	139,643	150,281	456,919	232,427	1,490,671
Not Applicable	17,616	24,235	75,113	680,229	88,425	713,271	1,260,629	1,783,407	4,642,925
<b>Total</b>	<b>37,194,078</b>	<b>66,624,940</b>	<b>79,580,397</b>	<b>85,185,660</b>	<b>35,128,769</b>	<b>81,541,907</b>	<b>65,561,309</b>	<b>82,600,207</b>	<b>533,417,267</b>

Delinquent Debt by District – Adult Only



By District – Adult Only

By District	< 1 Year	1-2 Years	3-5 Years	6-8 Years	9-10 Years	11-15 Years	16-20 Years	> 20 Years	Total
District 1	3,692,204	8,223,599	10,658,599	8,761,108	4,540,154	10,810,317	9,616,452	10,803,899	67,106,333
District 2	2,367,836	5,332,597	6,098,542	6,067,787	2,060,973	4,255,284	4,339,225	3,691,226	34,213,469
District 3	5,189,289	9,329,241	12,934,772	11,194,860	7,177,083	15,045,375	13,294,720	16,264,546	90,429,885
District 4	11,425,280	22,497,264	23,934,898	37,197,179	12,195,783	27,733,014	21,948,755	32,356,269	189,288,440
District 5	4,857,955	8,878,681	10,785,611	7,320,968	4,571,048	10,260,895	7,494,497	10,555,155	64,724,811
District 6	2,202,511	3,679,347	5,167,950	6,132,280	2,480,560	7,438,699	3,953,493	2,485,011	33,539,851
District 7	7,459,003	8,684,163	10,000,026	8,511,408	2,103,168	5,998,322	4,914,168	6,444,101	54,114,359
<b>Total</b>	<b>37,194,078</b>	<b>66,624,892</b>	<b>79,580,397</b>	<b>85,185,589</b>	<b>35,128,769</b>	<b>81,541,907</b>	<b>65,561,309</b>	<b>82,600,207</b>	<b>533,417,148</b>



# Court Rules

- Infraction
- Misdemeanor
- Criminal

Statutes

Case Law

Legislative Changes



What's happening in  
your District....



# Contributing Factors

Lack of clear guidance on procedure, process, and application of statutes and rules regarding payments due to the court leads to varying interpretations among Idaho counties and judicial officers. This creates a lack of uniformity and clarity which contributes to increasing delinquent debt and challenges to collection. Clarification areas include:

- ▶ Definition of uncollectible debt ([See Texas Statute](#))
- ▶ Authority for discharge
- ▶ Standardized processes for collection of debt (data entry)
- ▶ Improve court rules to address collection efforts
- ▶ Standardized forms and partnerships with other stakeholders (IDOC, county probation, ITD)
- ▶ Collection of SSN for tax intercept
- ▶ Resources needed to effectuate court collections
- ▶ Legislative changes reduced misdemeanors to infractions and also prohibited the ability to suspend for non-payment. This has negatively impacted the ability to collect on infractions for counties.

# Contributing Factors

**Texas Statute Art. 103.0081** UNCOLLECTIBLE FINES AND FEES. (a) Any officer authorized by this chapter to collect a fine, reimbursement or other fee, or item of cost may request the trial court in which a criminal action or proceeding was held to make a finding that a fine, reimbursement or other fee, or item of cost imposed in the action or proceeding is uncollectible if the officer believes:

- ▶ (1) the defendant is deceased;
- ▶ (2) the defendant is serving a sentence for imprisonment for life or life without parole; or
- ▶ (3) the fine, reimbursement or other fee, or item of cost has been unpaid for at least 15 years.

(b) On a finding by a court that any condition described by Subsection (a) is true, the court may order the officer to designate the fine, reimbursement or other fee, or item of cost as uncollectible in the fee record. The officer shall attach a copy of the court's order to the fee record.



# Proposed Solutions

- ▶ Access or integration to ITD for personal identifiers for party verification and collections
- ▶ Develop Defendant Information Sheet to gather PPI for collections
- ▶ Authority (in form of unified rule or statute) to discharge uncollectible debt (not including restitution)
- ▶ Assign criteria to deem debt uncollectible (TBD – Data from AOC)
- ▶ Direction or Order from court to systematically discharge uncollectible debt from the case management system.
- ▶ Statewide Business Processes and Unified Forms (“shalls”)
- ▶ Process for discharging debts for deceased persons for whom the probate statute of limitations has run.
- ▶ Amend Idaho Criminal Rule 33(g) to make it consistent with IIR 9 and IMR 9
- ▶ Require language in felony judgment of conviction Order of Probation ordering IDOC to execute a deferred payment agreement.
- ▶ Integrate with IDOC to validate victim restitution balances (JRI)

# Future of workgroup

- ▶ Draft package presentation to Elected Clerks - August 12
- ▶ Workgroup finalize package – September 12
- ▶ Package delivered to Idaho Supreme Court – October 14
- ▶ Package presented at Oral Conference – October 28
- ▶ Attendance at the direction of the Idaho Supreme Court



# Idaho Courts - Delinquent Debt As of August 6, 2025

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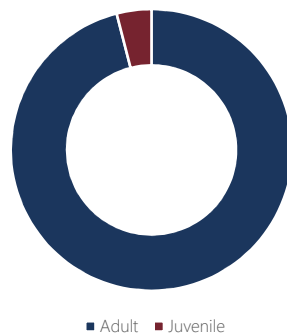
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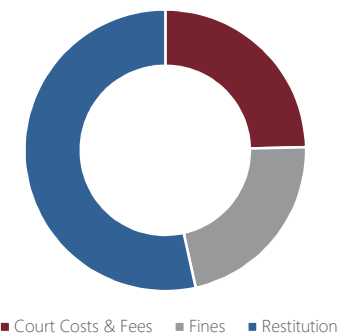
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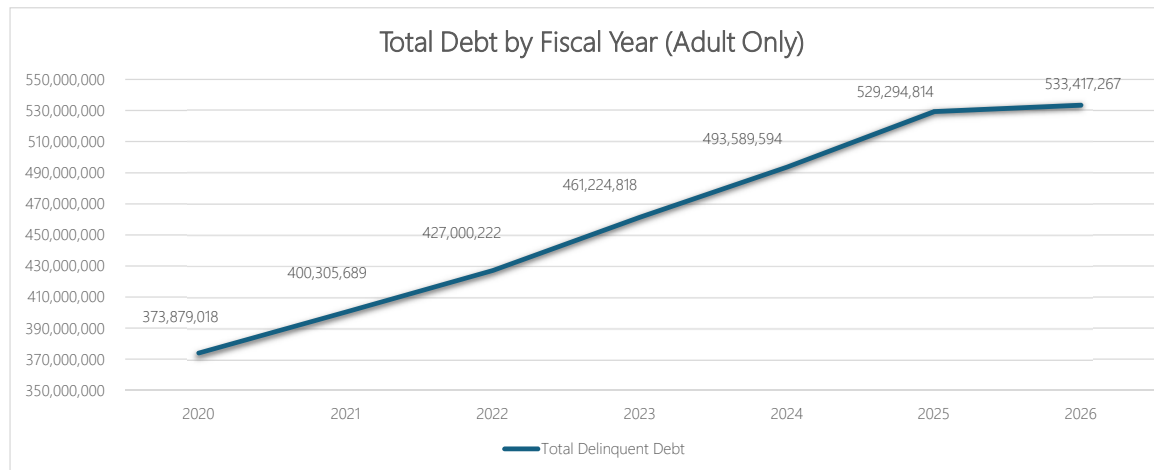


Debt Comparison - By Fee Category



Idaho Courts - Delinquent Debt  
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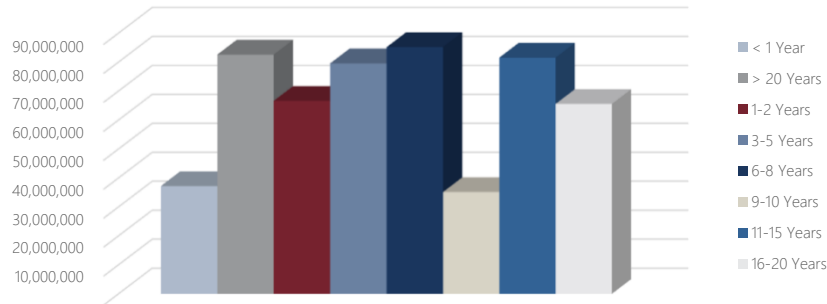


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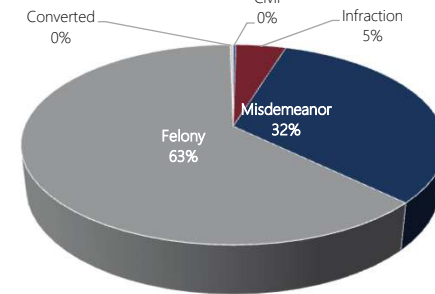


## Idaho Courts - Delinquent Debt As of August 6, 2025

### Aging of Court Debt



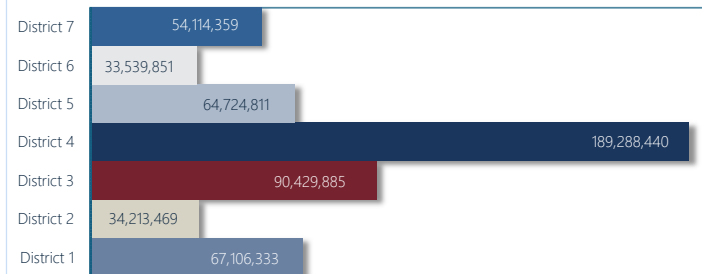
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### Delinquent Debt by District - Adult Only



### By District - Adult Only

By District	< 1 Year	1-2 Years	3-5 Years	6-8 Years	9-10 Years	11-15 Years	16-20 Years	> 20 Years	Total
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District 5	4,857,955	8,878,681	10,785,611	7,320,968	4,571,048	10,260,895	7,494,497	10,555,155	64,724,811
District 6	2,202,511	3,679,347	5,167,950	6,132,280	2,480,560	7,438,699	3,953,493	2,485,011	33,539,851
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## Delinquent Debt Workgroup

### A Non-Exhaustive Inventory of Relevant Court Rules, Statutes, and Cases

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#### Court Rules

- Idaho Infraction Rules
  - [I.I.R. 9](#)
    - (e) & (f) – Authorizes deferred payment agreements by the court, or the clerk within guidelines set by the court, and provides the required form of deferred payment agreements.
    - (g) – “If, after entry of a judgment for the payment of a penalty, court costs or payment of money to any person or entity, the court determines that the unpaid portion of the judgment is not reasonably collectible for any reason, the court may enter an order discharging the judgment and close the file. A discharge of a judgment on a citation may be entered by endorsing the word "discharged" on the face of the citation together with the date and the signature of the court. Such discharge may be signed and entered by the clerk at the direction of the court. The entry of a discharge of judgment shall not affect the judgment other than to satisfy the duty to pay the balance of the penalty, court costs and the payment of money to any person or entity; provided, such discharge does not satisfy the duty of the defendant to pay victim's restitution ordered pursuant to Chapter 53 of Title 19, Idaho Code, nor prevent the victim from enforcing the order by execution pursuant to section 19-5305, Idaho Code.”
  - [I.I.R. 10](#)
    - (a) – “Late payment of an infraction shall be accepted by the court or clerk of the court at any time.”
    - (b) – “Nothing in this rule shall limit the inherent powers of the court to enforce its judgments and orders by execution or by other means and sanctions authorized by law.”
    - Note – In 2018, the Court added a sub-section “(c)” stating that “If the penalty is not paid within a three (3) year period, the clerk shall then cancel the delinquent penalty and close file.” That sub-section was removed in 2022.
  - [I.I.R. 12](#)
    - “Any person appointed by administrative district judge under Rule 12 of the Misdemeanor Criminal Rules shall also have the authority to accept answers to infraction citations or complaints, accept payment of penalties

and costs for infraction offenses, execute deferred payment agreements with defendants within the guidelines established by the court, and perform all other duties assigned to the clerk under these rules.”

- Idaho Misdemeanor Criminal Rules

- [I.M.C.R. 8](#)

- (a) & (b) – Authorizes deferred payment agreements by the court, or the clerk within guidelines set by the court, and provides the required form of agreement.

- [I.M.C.R. 9](#)

- (c) – “If, after entry of a judgment for the payment of a penalty, court costs or payment of money to any person or entity, the court determines that the unpaid portion of the judgment is not reasonably collectible for any reason, the court may enter an order discharging the judgment and close the file. A discharge of a judgment on a citation may be entered by endorsing the word "discharged" on the face of the citation together with the date and the signature of the court. Such discharge may be signed and entered by the clerk at the direction of the court. The entry of a discharge of judgment shall not affect the judgment other than to satisfy the duty to pay the balance of the penalty, court costs and the payment of money to any person or entity; provided, such discharge does not satisfy the duty of the defendant to pay victim's restitution ordered pursuant to Chapter 53 of Title 19, Idaho Code, nor prevent the victim from enforcing the order by execution pursuant to section 19-5305, Idaho Code.”

- [I.M.C.R. 12](#)

- (a) – “The administrative district judge may appoint such person or persons to administer oaths, accept pleas to misdemeanor citations and complaints, receive bail, fines, forfeitures, and court costs, execute deferred payment agreements within guidelines set by the court, and perform all duties assigned to the clerk under these rules.”

- Idaho Criminal Rules

- [I.C.R. 1](#)

- (c) – Provides that the Idaho Criminal Rules do not apply to “Collection of Fines and Penalties.”
      - *State v. Schall*, No. 46129, 2019 WL 1769291, at \*3 (Idaho Ct. App. Apr. 19, 2019) (unpublished).
        - “[T]he Idaho Criminal Rules except from their application the collection of fines and penalties, thereby indicating a criminal judgment debt may be collected in



the same manner and under the same procedures as a civil judgment. I.C.R. 1(c). Because the Idaho Criminal Rules do not govern the collection of fines and penalties, the Idaho Rules of Civil Procedure necessarily must govern their collection.”

- [I.C.R. 33](#)
  - (g)(1) – Authorizes revocation of probation or finding of contempt for failure to pay a fine, fee, or costs, but “only if the court finds that the person has willfully refused to make a payment, or has failed to make sufficient bona fide efforts to legally acquire the resources to make a payment.”
  - (g)(2) & (3) – Provides that statutory fees or costs may be waived in whole or part only where the statute provides that authority, and if the court waives statutory fees and costs it must make written findings related to the statutory conditions for waiver.
  - [Think about whether we need language in I.C.R. 33 that is similar to I.I.R. 9 and M.C.R. 9 regarding uncollectable debt.]
- [I.C.R. 42](#)
  - Criminal contempt proceedings
- Idaho Rules of Civil Procedure
  - [I.R.C.P. 69](#)
    - Providing for writs of execution to enforce a judgment.
  - [I.R.C.P. 75](#)
    - Civil contempt proceedings

## **Statutes**

- [1-1624](#)
  - Tax set-off for delinquent debt
- [19-2518](#)
  - “A judgment that the defendant pay a fine, pay costs, or pay fine and costs, constitutes a lien in like manner as a judgment for money in a civil action.”
- [19-2702](#)
  - “If the judgment includes the payment of a fine, or costs, or fine and costs, or other monetary sums, execution may be issued thereon for such sums as on a judgment in a civil action.”
- [31-3215](#)
  - Provides for execution by “clerk, sheriff, justice of the peace, or constable” to collect unpaid fees.

- [19-4708](#)
  - Providing authority to contract for collection services.
- [5-215](#)
  - Statute of limitations on the collection of a judgment
- [15-3-803](#)
  - Statute of limitations on collection of claims against estate
- [18-8002](#)
  - Civil fine for BAC testing refusals
- [15 U.S.C. 1692a\(5\)](#)
  - Defines “debt” for purposes of the Fair Debt Collections Practices Act to mean “any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.”
  - A number of courts have determined that court fines, fees, and restitution are not debts the collection of which is subject to the FDCPA. *See Gulley v. Markoff & Krasny*, [664 F.3d 1073](#) (7th Cir. 2011).

### **Case Law**

- *State v. Korsen*, [141 Idaho 445](#), [111 P.3d 130](#) (2005).
  - When a defendant dies, “a criminal conviction and any attendant order requiring payment of court costs and fees, restitution or other sums to the victim, or other similar charges, are not abated, but remain intact.”
    - Applies to, at least, 19-5304, 19-5307, 72-1023.
  - Leaves open “whether a fine imposed for punitive purposes is abated.”
- *Collection Bureau, Inc. v. Dorsey*, [150 Idaho 695](#), [249 P.3d 1150](#) (2011).
  - A collection agency was contracted to pursue unpaid fines. The defendant argued that the collection was barred by the statute of limitations in Section [5-216](#), for actions on a written contract or, alternatively, by the statute of limitations in [5-215\(1\)](#), for actions on a judgment or decree of any court of the United States, or of any state or territory within the United States.
  - The Court analyzed the question whether the collection action was barred as if the statutes of limitation applied. The Court did not, however, expressly hold that.
  - Justice Jim Jones issued a special concurrence, “except to the extent [the majority opinion] may suggest that proceedings to collect upon a fine imposed as part of the sentence in a judgment of conviction in a criminal case are subject to any statute of limitations. In my estimation, no statute of limitations applies to the

collection of a fine, monetary penalty, or restitution provision contained in a judgment of conviction in a criminal case.”

- *Re Petition for Writ of Prohibition*, [168 Idaho 909, 489 P.3d 820](#) (2021).
  - Establishes due process requirements and substantive findings required for issuance of warrants of attachment and findings of contempt in association with failure to pay fines and fees.

## **Foreign Statutes**

### **Texas**

[Texas Code of Criminal Procedure Art. 103.0081](#). UNCOLLECTIBLE FINES AND FEES. (a) Any officer authorized by this chapter to collect a fine, reimbursement or other fee, or item of cost may request the trial court in which a criminal action or proceeding was held to make a finding that a fine, reimbursement or other fee, or item of cost imposed in the action or proceeding is uncollectible if the officer believes:

- (1) the defendant is deceased;
  - (2) the defendant is serving a sentence for imprisonment for life or life without parole; or
  - (3) the fine, reimbursement or other fee, or item of cost has been unpaid for at least 15 years.
- (b) On a finding by a court that any condition described by Subsection (a) is true, the court may order the officer to designate the fine, reimbursement or other fee, or item of cost as uncollectible in the fee record. The officer shall attach a copy of the court's order to the fee record.



**First District**

- Kootenai County – Collection Agency
- Benewah County – No collection program
- Shoshone County – In house collection program (letters)
- Boundary County – No collection program
- Bonner County – No collection program since Odyssey. Prior use of outside collection agency.

**Second District**

- Districtwide Collection Agency

**Third District**

- Adams County – Payment Review Hearings
- Canyon County – N/A - Delinquent Debt sent to collection agency
- Payette County – Payment Review Hearings
- Gem County – Payment Review Hearings
- Owyhee County – Payment Review Hearings
- Washington County – Hybrid model (payment review hearing and some cases are sent to collections by the judge)

**Fourth District**

- No hearings set in the entire district. Clerks do mail reminder letters.
- Ada – working on creating a docket to address court debt.

**Fifth District**

- Most Counties - Collection Agency, except Camas – no collection program.

**Sixth District**

- Power County – Review Hearings
- Bannock- Collection Agency
- Caribou – Collection Agency
- Franklin – Collection Agency

**Seventh District**

- Bingham – Review Hearings – in addition to Clerk phone calls to remind Defendants.
- Bonneville County – Clerks – reminder letters (used to do “Order to Show Cause” hearings but doesn’t now due to cost to county and clerk time as well as judicial time).
- Clark – Review Hearings
- Jefferson – Review Hearings