

**2021 RESOLUTION NO. JP-01**

*Instructions: All fields below are required for your resolution to be considered by the Idaho Association of Counties. If you are unsure of what to enter in a certain field, enter your best estimate, and also feel free to request the assistance of IAC staff.*

**TITLE: Odyssey Clean Up**

**SPONSOR: IACRC – Idaho Association of County Recordors and Clerks**

**STATUTES AFFECTED: I.C. §31-3201D and §31-870**

**COUNTY OFFICE(S) AFFECTED: Clerks and Misdemeanor Probation**

**COUNTIES AFFECTED: All**

**ISSUE/PROBLEM:** The Idaho Supreme Court removed other court-ordered probation fees from Odyssey on August 1, 2019, because the statute did not state they were to be paid to the clerk of the district court. When Odyssey was configured in 2015, it included other court-ordered probation fees. When this happened, the counties had to set up a separate accounting system to track these fees and payments.

**BACKGROUND & DATA:** Legislation was passed in the 2020 session to not restrict the court from ordering the payment of other costs and fees including, but not limited to, electronic monitoring fees and other fees pursuant to I.C. §19-2608. Such additional costs and fees shall be paid to the clerk of the court if services are provided by the county or directly to the agency providing the service. The courts are not interpreting the changes to include other court misdemeanor fees and only added back in Odyssey electronic monitoring and test of breath and bodily fluids. The intent was to include other misdemeanor probation fees, such as work detail and out of state cost of supervision, that are ordered by the court in the criminal judgment.

**PROPOSED POLICY:** To clarify in I.C. §31-3201D that any costs or fees for any programs or services ordered as a term and condition of probation in the criminal judgment shall be paid to the clerk of the district court if the service is provided by the county or directly to the agency providing the service. To clarify in I.C. §31-870 that these fees may also be collected by the clerk of the district court.

**ARGUMENTS & ENTITIES IN SUPPORT:** IACRC and Misdemeanor Probation

**ARGUMENTS & ENTITIES AGAINST:**

The Administrative Office of the Courts would like to seek clarity around fees created under section 31-870 and whether the legislature wishes to expressly provide authority for the courts to impose them in a criminal judgment.

**FISCAL IMPACT:** The proposed change would not have a fiscal impact on state government because this is currently how Odyssey is configured. If these fees are removed from Odyssey, there would be a fiscal impact to the counties to have a separate case management software to assess and collect these fees.