

# In the Supreme Court of the State of Idaho

IN RE: ADOPTION OF RESOLUTION )

) ORDER  
)  
)

The Court having reviewed and approved the attached Resolution;

NOW THEREFORE IT IS ORDERED that the attached Resolution is adopted.

IT IS FURTHER ORDERED that this order shall be effective June 1, 2018.

IT IS FURTHER ORDERED that notice of this Order shall be published in one issue of  
The Advocate.

DATED this 8<sup>th</sup> day of May, 2018.

By Order of the Supreme Court

R. Burdick  
Roger S. Burdick, Chief Justice

ATTEST:

Karel A. Lehrman  
Clerk

I, Karel A. Lehrman, Clerk of the Supreme Court/  
Court of Appeals of the State of Idaho, do hereby  
certify that the above is a true and correct copy of the  
Order entered in the above entitled  
cause and now on record in my office. WITNESS my  
hand and the Seal of this Court May 8, 2018  
Karel A. Lehrman, Clerk

By Corby Clark Deputy

## RESOLUTION

**Proposed by:        Ada County Safety & Justice Challenge**

**WHEREAS**, the Ada County Safety & Justice Challenge (“Challenge”) is a cooperative effort on the part of Ada County criminal justice stakeholders, including Ada County Magistrates, the Ada County Prosecutor, the Boise City Attorney, the Ada County Sheriff, and other law enforcement agencies within the county; and

**WHEREAS**, a major focus of the Challenge is to study whether there are persons being held in jail, pre-trial, where such incarceration is not necessary; and

**WHEREAS**, *Idaho Criminal Rule 46(c)* sets forth the factors to be considered when determining whether a person should be released on recognizance or admitted to bail; and,

**WHEREAS**, reducing jail population is an important goal when the accused offender does not pose a risk to society or a risk of flight; and,

**WHEREAS**, *Idaho Misdemeanor Criminal Rule 13* provides a bond schedule for persons arrested on misdemeanor charges; and

**WHEREAS**, the Challenge has identified the lowest risk offenses that are included in the bond schedule; and

**WHEREAS**, temporarily amending the bond schedule, in Ada County, to set a “book and release” bond schedule, in lieu of money bond, will allow Challenge team members to study meaningful data about whether it results in an increased failure to appear rate; and

**WHEREAS**, the Idaho Supreme Court previously approved a one-year pilot program, temporarily amending *Idaho Misdemeanor Criminal Rule 13* through June 1, 2018; and

**WHEREAS**, the Ada County Sheriff has compiled some valuable data on this subject, but that an additional period of study would help provide even more statistical validity.

**NOW, THEREFORE, BE IT RESOLVED** that it be recommended to the Idaho Supreme Court that *Idaho Misdemeanor Criminal Rule 13* be amended, in Ada County only, for an additional period of one year from the effective date of the order, and that it be amended in the following manner:

**Rule 13. Bail bond schedule (June 1, 2018 through June 30, 2018)**

- (a) **Amount of bail.** The amount of bail for misdemeanor traffic offenses and other criminal offenses shall be as set forth herein. Such bail schedules shall not govern when a person charged appears before a judge or magistrate, or the defendant's case is reviewed by a judge or magistrate, in which case such bail schedules are advisory only and bail may be raised, lowered or eliminated at the magistrate's discretion based upon the circumstances of that particular case. Any judge may also designate a bond schedule for offenses not listed below.
- (b) **Bail bond schedule.** Except as provided above, the bail bond required for specific alleged offenses pending arraignment or trial shall be as follows:

Idaho Code	Offense	Bail Bond
* * *		
(2) LICENSES, REGISTRATION AND INSURANCE OFFENSES		
(A) License Offenses		
49-301	No license or invalid license	\$226.00 <u>Book &amp; Release</u>
* * *		
18-8001	Driving without privileges (First Offense)	
	Idaho Resident	\$500.00 <u>Book &amp; Release</u>
	Nonresident	\$2,000.00 <u>Book &amp; Release</u>
18-8001	Driving without privileges (Second Offense)	
	Idaho Resident	\$1000.00 <u>Book &amp; Release</u>
	Nonresident	\$3,000.00 <u>Book &amp; Release</u>
18-8001	Driving without privileges (Third Offense)	
	Idaho Resident	\$2000.00 <u>Book &amp; Release</u>
	Nonresident	\$4,000.00 <u>Book &amp; Release</u>
* * *		

(C) Insurance Offenses

\* \* \*

49-1229	Failure of owner of vehicle to maintain liability insurance (Second or subsequent offense within 5 year period only)	\$280.00	<u>Book &amp; Release</u>
49-1232	Failure to carry proof of liability insurance in vehicle (Second or subsequent offense within 5 year period only)	\$280.00	<u>Book &amp; Release</u>
49-1428	Operating a motor vehicle without liability insurance (Second or subsequent offense within 5 year period only)	\$280.00	<u>Book &amp; Release</u>

\* \* \*

**Rule 13. Bail bond schedule (July 1, 2018 through June 1, 2019)**

(2) LICENSES, REGISTRATION AND INSURANCE OFFENSES

(A) License Offenses

49-301 No license or invalid license, Class A, B or C license  
or 3<sup>rd</sup> offense within 5 years of first offense Class D license \$500.00 Book and Release  
\*\*\*

18-8001 Driving without privileges (Unless suspension  
pursuant to I.C. §§ 18-1502, 49-326(1)(g), 49-1204, 49-1207)

Idaho resident	\$500.00	<u>Book &amp; Release</u>
Nonresident	\$2,000.00	<u>Book and Release</u>

\* \* \*

(C) Insurance Offenses

\* \* \*

49-1229	Failure of owner of vehicle to maintain liability insurance (Second or subsequent offense within 5 year period only)	\$280.00	<u>Book &amp; Release</u>
49-1232	Failure to carry proof of liability insurance in vehicle (Second or subsequent offense within 5 year period only)	\$280.00	<u>Book &amp; Release</u>
49-1428	Operating a motor vehicle without liability insurance (Second or subsequent offense within 5 year period only)	\$280.00	<u>Book &amp; Release</u>

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