

## **I.I.R. 9. Judgment - Fixed Penalty Plus Court Costs for Infractions - Withheld Judgment and Suspended Penalties Prohibited - Deferred Payment Agreements.**

Idaho Infraction Rule 9. Judgment - Fixed Penalty Plus Court Costs for Infractions - Withheld Judgment and Suspended Penalties Prohibited - Deferred Payment Agreements.

(a) Entry of Judgment. Upon, (1) the entry of an admission to an infraction citation or complaint in person or by mail under Rule 6(a) or, (2) the payment of the total amount, which includes fixed penalty and court costs, by the defendant, or, (3) a finding by the court upon trial that the defendant committed the infraction offense, or, (4) a failure of the defendant to appear in court or before the clerk as provided in Rule 8, the court shall enter judgment against the defendant for the infraction which shall order the defendant to pay the fixed penalty and court costs provided in this rule.

(b) Fixed Penalty and Costs for Infraction. The entry of a judgment for an infraction under this rule shall order the defendant to pay a dollar amount for a fixed penalty and court costs in the following amounts:

[Click here](#) [1] for Infraction Penalty Schedule

(c) Consolidation of Multiple Offenses in Assessing Court Costs. The court may consolidate multiple non-moving or parking infractions into one offense for the purpose of assessing court costs under I.C §31-3201A(c), together with the fixed penalty portion of the penalty for each infraction.

(d) Withheld Judgments or Suspended Penalties Prohibited. No court shall have the power to withhold judgment nor to suspend any part of a judgment for a fixed penalty and costs prescribed under this rule.

(e) Deferred Payment Agreement. After the entry of a judgment for an infraction, the court, or the clerk within the guidelines set by the court, may enter into an agreement with the defendant for the deferred payment of the fixed penalty plus court costs. Such agreement shall be signed by the defendant and the court, or the clerk on behalf of the court, and shall state in bold letters that failure of the defendant to make the payments when agreed will result in the suspension of the defendant's driver's license as provided in Rule 10. Subsequent extensions of time to pay a fixed penalty plus court costs may be granted by the execution of a new agreement by the defendant and the court or the clerk.

(f) Form of Agreement. A deferred payment agreement under this rule shall be substantially the following form:

[Click here](#) [2] for form.

(g) Discharge of Judgment. 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.

[Amended effective July 1, 1995; July 1, 1996; July 1, 1997; January 1, 1999; amended June 7, 2000, effective July 1, 2000; amended June 21, 2000, effective July 1, 2000; amended January 30, 2001, effective January 30, 2001; modified April 13, 2001, effective July 1, 2001; amended March 5, 2002, effective July 1, 2002; amended April 19, 2002, effective July 1, 2002; amended June 16, 2003, effective July 1, 2003; amended July 29, 2003, effective immediately; amended April 22, 2004, effective July 1, 2004; amended April 5, 2005, effective July 1, 2005; amended March 21, 2007, effective July 1, 2007; amended, effective February 1, 2009; amended April 2, 2010, effective April 15, 2010; amended April 27, 2011, effective July 1, 2011; amended April 27, 2012, effective July 1, 2012; amended May 7, 2015, effective July 1, 2015; amended July 13, 2016, effective July 1, 2016.)

**Source URL:** <https://isc.idaho.gov/iir9>

**Links:**

[1] [https://isc.idaho.gov/./rules/Infraction\\_Fee\\_Schedule\\_08.15.16.pdf](https://isc.idaho.gov/./rules/Infraction_Fee_Schedule_08.15.16.pdf)

[2] [https://isc.idaho.gov/./rules/forms/IIR\\_09\\_Form.doc](https://isc.idaho.gov/./rules/forms/IIR_09_Form.doc)