

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTIES OF  
ADAMS, CANYON, GEM, OWYHEE, PAYETTE AND WASHINGTON

Administrative Order Re: ) Administrative  
Misdemeanor Probation Services, ) Order  
Functions and Fees ) 2009-4

This order is entered in conformity with House Bill 408aa adopted in the 2008 Legislative Session provisions of which require that the Administrative District Judge define the functions of misdemeanor probation services to be provided by the Boards of County Commissioners in each county in the Third Judicial District and to set the amount of the supervision fee to be collected for those services. By this order the Courts of this Judicial District shall work jointly with the Boards of County Commissioners to cooperatively implement the legislative directives and policies embodied in House Bill 408aa.

I. Misdemeanor Probation Services: Functions

Misdemeanor probation services shall be provided to supervise misdemeanor offenders as ordered by the court at sentencing. These services shall adequately carry out court orders which may include fine, fee and restitution collection, insuring an integrated team approach to rehabilitation and treatment services, meeting with offenders, supervising punitive provisions ordered by the court including community services, providing information for and reporting to the court, and such other services consistent with the goals of criminal sentencing: the good order and protection of the public, punishment, deterrence and rehabilitation.

These misdemeanor services shall, as soon as practicable, be provided by trained misdemeanor probation officers who shall be professionals providing active supervision of misdemeanor offenders with the goal of the protection of the public, rehabilitation of the offender and a reduction in the levels of incarceration and recidivism in frequently high risk situations.

These misdemeanor probation functions and other programs and services secured by the misdemeanor probation officer shall, as soon as practicable, be provided and based upon evidenced based practices in the field of probation services.

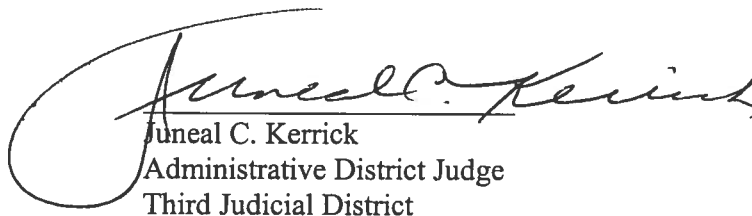
II. Misdemeanor Probation Fee

Consistent with House Bill 408aa and I.C. §31-878, as amended, it is ordered that a monthly misdemeanor probation supervision fee shall be collected in an amount set by the respective Boards of County Commissioners in the Third Judicial District in compliance with Administrative Order 2008-1. This amount shall be collected on all misdemeanor probation fees collected after July 1, 2008 regardless of whether the underlying judgment of conviction, withheld judgment or order imposing probation was entered before or after that date, as required by the statute, as amended.

The first one dollar (\$1.00) of each monthly payment shall be collected by either the Clerk of the District Court or the probation department and remitted by the Clerk to the State Treasurer for deposit in the peace officers' standards and training fund for training and continuing education of misdemeanor probation officers. The balance of this monthly fee shall be deposited into the county misdemeanor probation fund or in the county justice fund, as determined by the respective Boards of County Commissioners, to be used for the purposes set forth in this order and set out in House Bill 408aa.

IT IS SO ORDERED.

Dated this 30<sup>th</sup> day of March, 2009

  
Juneal C. Kerrick  
Administrative District Judge  
Third Judicial District