

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL
DISTRICT OF THE STATE OF IDAHO**

ADMINISTRATIVE ORDER NO. 2008-6

**REGARDING MISDEMEANOR PROBATION SERVICES
IN THE SECOND JUDICIAL DISTRICT**

This administrative order is issued pursuant to new statute §31-878, Idaho Code, (HB 408a), and to amendments to IC §31-3201D in that same bill, which states in part that:

“The county commissioners shall provide for misdemeanor probation services to supervise misdemeanor offenders ... where such probation supervision has been ordered by the sentencing court, and perform such functions as prescribed by the administrative district judge in each judicial district.” (IC § 31-878.)

“Any person under a supervised probation program for a misdemeanor offense shall be required to pay an amount not more than the maximum monthly felony probation or parole supervision fee set forth in section 20-225 per month, or such lesser sum as determined by the administrative judge of the judicial district, as a misdemeanor probation supervision fee.” (IC § 31-3201D(1))

“Any fee paid under this section on or 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, shall be paid to the clerk of the district court.” (IC § 31-3201D(2))

Therefore, it is HEREBY ORDERED:

- A. That the counties shall provide for misdemeanor probation services consistent with current, standard probation practices and subsequently consistent with such standards as may be hereinafter promulgated by the Peace Officer Standards and Training Academy;
- B. That such services may be provided by contract, or otherwise, as determined by the County Commissioners; and may be provided on either a full-time, part-time or an as-needed basis;
- C. That such probation services shall include a minimum supervision track, which shall monitor compliance, and which monitoring may be by sampling, and a standard supervision track set out more fully below; and that intensive supervision services shall

not be required under this order, but may be offered if adequate resources are available to the county misdemeanor probation offices to provide such supervision;

D. That the duties of a misdemeanor probation officer providing such standard supervision may include the following:

1. Monitoring the terms of probation ordered by the Court;
2. Carrying a reasonable caseload of adult misdemeanor offenders;
3. Monitoring the payment of fees, fines, restitution, court costs;
4. Drug testing;
5. Installation and monitoring of electronic monitoring equipment;
6. Monitoring mental health status/appointments/evaluations, et cetera;
7. Monitoring educational pursuits;
8. Monitoring drug/alcohol treatment;
9. Monitor/supervise community service sites, and collect worker's compensation insurance;
10. Attending community partnership meetings;
11. Attending court for violation hearings;
12. Supervising Interstate Compact cases;
13. Conducting search/seizure on a person or home;
14. Verifying employment;
15. After hour response to homes/crime scenes;
16. Monitoring budget information and general statistical data;
17. Maintaining professional competency through training;

E. That the maximum monthly supervision fees shall be as follows:

Minimum Supervision			\$25
Standard	“	“	\$35
Intensive	“	“	\$50

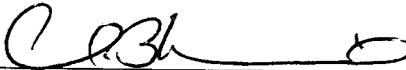
F. That in addition to monthly supervision fees, probationers may be charged additional fees for services, including intake and assessment fees, drug testing fees, or such other fees as may be approved by the sentencing court, and that such additional fees shall be deposited in the county misdemeanor probation fund and used only for the statutorily allowed purposes;

G. That any or all of these fees may be waived, reduced or forgiven by the Court for good cause, and further that the Court may require up to two year's prepayment of monthly supervision fees, in which case it shall be the duty of the Clerk of the District Court to send the total requisite amount of the monthly \$1 POST surcharge fee to the state treasurer at the time of the prepayment, according to the number of months prepaid;

H. That the sentencing court may, in its discretion, impose misdemeanor probation fees upon persons whose judgment of conviction, withheld judgment, or order imposing probation was entered before July 1, 2008; or may increase the monthly supervision fees for such probationers, in accordance with the fee schedule set forth above;

I. That although this order is effective July 1, 2008, it is understood that the counties' fiscal year, which begins October 1, may cause reasonable delays in implementation of standard probation practices, and therefore the counties are encouraged to begin implementation of minimal supervision services, and the charging of fees therefore, as soon as practicable after the effective date, in order to assist those counties in funding their subsequent provision of standard probation services.

6-30-08
Date


Hon. Carl B. Kerrick
Administrative District Judge