

## Emergency surcharge fails to meet court's funding gap

By KIMBERLEE KRUESI, Associated Press

BOISE, Idaho (AP) — Officials with the Idaho Supreme Court say the state's emergency solution to fill a \$4 million funding gap for Idaho's court system has come up short.

The emergency surcharges placed on some criminal and traffic cases in 2010 have failed to meet the projected annual \$4.3 million for the state's drug, mental health and family courts, retired Justice Linda Copple Trout said.

Furthermore, the short-term funding solution for sustaining court operations is now being used to pay the salaries of senior judges, trial court administrators and various personnel. This means the system now allows senior judges to assign the fees that pay their salaries, a potential conflict of interest, Trout said.

"We have been very skimpy on drug testing and substance abuse treatment," she said. "Existing drug courts would like to expand, and other districts would like to start new drug courts, like veteran drug courts, but we simply can't do that. We don't have the revenue."

Trout will meet Wednesday with Idaho's powerful Joint Finance Appropriations Committee to discuss the funding shortfall, as well as begin advocating lawmakers to replenish the funds they cut five years ago. Committee members are currently traveling throughout central Idaho on their fall tour, listening to presentations that will likely become key issues during the 2016 legislative session.

Back in 2010, Idaho lawmakers approved adding \$10 to infractions, \$50 to misdemeanors and \$100 to felonies after slashing more than 10 percent in general fund dollars out of the state's judicial branch budget during the economic downturn. According to language in the law, 80 percent of the fees were to go to the court system and 20 percent would go to the court's technology fund.

The emergency surcharges were supposed to be a short-term resolution to the funding problem, but lawmakers removed the sunset clause in 2013 at the request of the Idaho Supreme Court.

Yet the emergency surcharges have never reached the annual \$4.3 million projection. In fiscal year 2012, the fund peaked at \$3.2 million, but it has continued to slowly drop ever since.

The shortfall has hurt the court system considerably given that the emergency surcharges make up nearly half of its budget. The only other top revenue source the courts rely on are funds collected from liquor surcharges, which have consistently climbed over the past five years.

"Criminal cases are going down and there are fewer infractions, but other than that we don't know why the projection hasn't been met," Trout said. "I don't know if it's because we have fewer law enforcement or because we recently raised the speed limit in some areas. I do know Idaho isn't alone in

this trend."

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