

Meeting Date: July 25, 2019

Agenda Item No. 13.

Agenda Item: Reimbursable Damages (restitution)

Bureau Chief Approval: GLW

Prepared by: Greg Wooten, presentation by Chris Wright

Background:

Violations of title 36 where game fish and game animals are wasted or taken unlawfully have a civil component called reimbursable damages. Idaho code specifies the amount an individual 'shall' reimburse the state for each animal, repair of artificial simulated animals and meat processing. Courts may ask for reimbursement when individuals unlawfully purchase a wrong class license (e.g. nonresident purchasing resident license). These moneys go to the Idaho Department of Fish and Game (IDFG) account. Protocol for collecting reimbursements differ among the 44 counties. Many judgements direct the individual to pay IDFG directly. In those cases the Enforcement Bureau invoices and manages collections. Some counties collect the reimbursements themselves and forward money to the IDFG. Enforcement has one full time employee dedicated to collecting reimbursements. Individuals are sent to collections at 125 days delinquent after receiving three formal letters of notification starting 30 days past initial invoice.

There are currently 134 active files. IDFG is currently receiving direct reimbursement from 26 and the courts are receiving from 96. We are collecting with the courts on eight (8) cases that are joint and several (several individuals responsible for a single reimbursement amount; messy). Four (4) individuals with active files are incarcerated, one for life. Courts have received full payment for 17 cases but have not forwarded the moneys to IDFG. In the last three years IDFG received \$326,593.75 in reimbursement and sent 31 cases to collections. In 2019 to date IDFG closed 82 case files paid in full.

Statutory Authority and/or Policy issues:

Idaho Code 36-1404 provides a schedule for reimbursements and payments procedures. Idaho Code 19-4708 provides direction for the disposition of fines, forfeitures and costs; collection of debts owed to courts and collection.

Staff Recommendation: N/A

Justification: Commission requested the update.