

IN THE SENATE

SENATE BILL NO. 1279

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO LIABILITY OF LEGAL GUARDIANS FOR THEIR WARD; AMENDING SECTION 8-705, IDAHO CODE, TO REMOVE REFERENCE TO A LEGAL GUARDIAN; AMENDING SECTION 16-1628, IDAHO CODE, TO REMOVE REFERENCE TO A GUARDIAN; AMENDING SECTION 18-6711A, IDAHO CODE, TO REMOVE REFERENCE TO A LEGAL GUARDIAN; AMENDING SECTION 18-8409, IDAHO CODE, TO REMOVE REFERENCE TO A GUARDIAN; AMENDING SECTION 20-501, IDAHO CODE, TO REMOVE REFERENCE TO A LEGAL GUARDIAN; AMENDING SECTION 20-520, IDAHO CODE, TO REMOVE REFERENCE TO A LEGAL GUARDIAN; AMENDING SECTION 20-524, IDAHO CODE, TO REMOVE REFERENCE TO A LEGAL GUARDIAN AND TO PROVIDE REFERENCE TO ANOTHER LEGALLY OBLIGATED PERSON; AMENDING SECTION 32-1301, IDAHO CODE, TO CLARIFY THAT A GUARDIAN MUST HAVE LEGAL AND PHYSICAL CUSTODY TO BE LIABLE FOR FAILURE TO SUPERVISE A CHILD; AMENDING SECTION 33-1406, IDAHO CODE, TO REMOVE REFERENCE TO A GUARDIAN; AMENDING SECTION 39-2611, IDAHO CODE, TO REMOVE REFERENCE TO GUARDIANS; AMENDING SECTION 39-7504, IDAHO CODE, TO REMOVE REFERENCE TO GUARDIANS; AND AMENDING SECTION 48-702, IDAHO CODE, TO REMOVE REFERENCE TO A LEGAL GUARDIAN AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 8-705, Idaho Code, be, and the same is hereby amended to read as follows:

8-705. WAGE ASSIGNMENT FOR SUPPORT AND CARE OF DELINQUENT CHILD. In any proceeding where the court has ordered a parent, ~~legal guardian~~, or custodian to pay any amount for the care, support or maintenance of a child adjudged to be within the purview of chapter 5, title 20, Idaho Code, and through the adjudication has rendered a liability upon the parent, ~~legal guardian~~ or custodian to pay damages or to pay for the child's support and care, the following procedure may be utilized for collection. The court may order the parent, ~~legal guardian~~ or custodian to assign a sum as the court may determine to be equitable or as may otherwise be provided by statute or contract to the county clerk, probation officer or other office of the court or county officer designated by the court to receive such payment. The assignment shall be that portion of salary or wages of the parent, ~~legal guardian~~ or custodian the court deems would be due in the future to apply on the amount ordered by the court for the care, support or maintenance of the delinquent child or for breach of contract caused by the child's delinquency. The order shall be binding upon an employer and until further order of the court. Any such order may be modified or revoked at any time by the court. Any such assignment made pursuant to court order shall have priority as against any attachment, execution or other assignment, unless otherwise ordered by the court. All sums collected pursuant to the provisions of this section shall be remitted as may be provided by law.

1 SECTION 2. That Section 16-1628, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 16-1628. SUPPORT OF COMMITTED CHILD. (1) Whenever legal custody of a
4 child is vested in someone other than his parents, after due notice to the
5 parent, ~~guardian~~ or other persons legally obligated to care for and support
6 the child, and after a hearing, the court may order and decree that the par-
7 ent or other legally obligated person shall pay in such a manner as the court
8 may direct a reasonable sum that will cover in whole or in part the support
9 and treatment of the child after an order of temporary custody, if any, or
10 the decree is entered. If the parent or other legally obligated person will-
11 fully fails or refuses to pay such sum, the court may proceed against him for
12 contempt, or the order may be filed and shall have the effect of a civil judg-
13 ment.

14 (2) All child support orders shall notify the obligor that the order
15 will be enforced by income withholding pursuant to chapter 12, title 32,
16 Idaho Code.

17 (3) Failure to include these provisions does not affect the validity of
18 the support order or decree. The court shall require that the social secu-
19 rity numbers of both the obligor and obligee be included in the order or de-
20 cree.

21 SECTION 3. That Section 18-6711A, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 18-6711A. FALSE ALARMS -- COMPLAINTS -- REPORTS -- PENALTIES -- CIVIL
24 DAMAGES. (a) Any person calling the number "911" for the purpose of making
25 a false alarm or complaint and reporting false information which could or
26 does result in the emergency response of any firefighting, police, medical
27 or other emergency services shall be guilty of a misdemeanor and upon convic-
28 tion thereof shall be sentenced to a fine of not to exceed one thousand dol-
29 lars (\$1,000) or to a term of not to exceed one (1) year in the county jail, or
30 to both such fine and imprisonment.

31 (b) In addition to the criminal penalties for violation of the provi-
32 sions of this section, civil damages may be recovered from the person so con-
33 victed in an amount of three (3) times the amount necessary to compensate or
34 reimburse the complainant for costs incurred, losses sustained or other dam-
35 ages suffered in receiving, acting upon or responding to the false alarm,
36 complaint or report. If the person so convicted is under the age of eighteen
37 (18) years of age, the parent ~~or legal guardian~~ having legal custody of the
38 minor may be jointly and severally liable with the minor for such civil dam-
39 ages as are imposed. Recovery from the parents ~~or legal guardian~~ shall not
40 be limited by any other provision of law which limits the liability of a par-
41 ent ~~or legal guardian~~ for the tortious or criminal conduct of a minor. A par-
42 ent ~~or guardian~~ not having legal custody of the minor shall not be liable for
43 civil damages imposed hereunder.

44 SECTION 4. That Section 18-8409, Idaho Code, be, and the same is hereby
45 amended to read as follows:

1 18-8409. FAILURE TO REGISTER, PENALTIES. (1) A juvenile sex offender
2 who fails to register or provide notification of a change of name or address
3 is guilty of a misdemeanor.

4 (2) A parent ~~or guardian~~ of a juvenile sex offender commits the misde-
5 meanor offense of failure to supervise a child if the offender fails to reg-
6 ister or provide notification of a change of name or address as required by
7 this section. A person convicted of this offense is subject to a fine of not
8 more than one thousand dollars (\$1,000).

9 SECTION 5. That Section 20-501, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 20-501. LEGISLATIVE INTENT. It is the policy of the state of Idaho that
12 the juvenile corrections system will be based on the following principles:
13 accountability; community protection; and competency development. Where
14 a juvenile has been found to be within the purview of the juvenile correc-
15 tions act, the court shall impose a sentence that will protect the commu-
16 nity, hold the juvenile accountable for his actions, and assist the juve-
17 nile in developing skills to become a contributing member of a diverse commu-
18 nity. It is the further policy of the state of Idaho that the parents or other
19 legal guardians of the juvenile offender participate in the accomplishment
20 of these goals through participation in counseling and treatment designed
21 to develop positive parenting skills and an understanding of the family's
22 role in the juvenile's behavior. It is the further intent of the legisla-
23 ture that the parents ~~or legal guardians~~ of the juvenile offender be held ac-
24 countable, where appropriate, through monetary reimbursement for supervi-
25 sion and confinement of the juvenile offender, and restitution to victims of
26 the juvenile's delinquent acts. In enacting this legislation, the legisla-
27 ture finds that the juvenile corrections system should encompass the follow-
28 ing aspects: day treatment, community programs, observation and assessment
29 programs, probation services, secure facilities, after-care and assistance
30 to counties for juveniles not committed to the custody of the department of
31 juvenile corrections.

32 The following is a brief description of what the legislature intends to
33 become the components of Idaho's juvenile corrections system:

34 Probation. Probation officers would have twenty-four (24) hour on call
35 responsibility for juveniles and would monitor their activities on a contin-
36 ual basis. Probation officers would be responsible for assisting juveniles
37 and their families in accessing counseling or treatment resources, close su-
38 pervision of juveniles' activities, supervision of restitution and coordi-
39 nation of other services provided to juveniles. Juvenile offenders ordered
40 into the custody of the department of juvenile corrections would be moni-
41 tored by a county probation officer.

42 Day treatment. Day treatment programs would be time limited nonres-
43 idential treatment and educational programs. Included in these programs
44 would be trackers who would provide intensive supervision of juveniles
45 through daily contact and by counseling juveniles regarding employment,
46 education, courts, family and life skills. Nonresidential alcohol and drug
47 programs would provide outpatient assessment and counseling for juveniles
48 with substance abuse problems.

1 Community programs. It is intended that community programs would exist
2 throughout the state to provide twenty-four (24) hour residential supervi-
3 sion and treatment options to juveniles in close proximity to their families
4 and their community. It is intended that these programs would strengthen the
5 juvenile's relationship with family, engender a commitment to school and em-
6 ployment, promote the development of competency and life skills and help ju-
7 veniles generalize appropriate behavior into their environment.

8 Observation and assessment. Regional observation and assessment cen-
9 ters would be provided, either directly or on a contract basis, to conduct
10 observation and assessment of the juvenile in a short-term residential expe-
11 rience. It is intended that these programs would maintain standardized home
12 and daily routines with intensive daily programming.

13 Secure facilities. Secure facilities would provide secure confine-
14 ment, discipline, education and treatment of the most seriously delinquent
15 juveniles. Programs at the secure facilities would be designed to help juve-
16 niles recognize accountability for delinquent behavior by confronting and
17 eliminating delinquent norms, criminal thinking and antisocial behavior and
18 making restitution to victims through community service or other restitu-
19 tion programs.

20 It is the further intent of the legislature that the primary purpose of
21 this act is to provide a continuum of programs which emphasize the juvenile
22 offender's accountability for his actions while assisting him in the devel-
23 opment of skills necessary to function effectively and positively in the
24 community in a manner consistent with public safety. These services and pro-
25 grams will individualize treatment and control of the juvenile offender for
26 the benefit of the juvenile and the protection of society. It is legislative
27 intent that the department of juvenile corrections be operated within the
28 framework of the following principles to accomplish this mission:

29 (1) Provide humane, disciplined confinement to a juvenile who presents
30 a danger to the community.

31 (2) Strengthen opportunities for the juvenile's development of compe-
32 tency and life skills by expanding the juvenile's access to applicable pro-
33 grams and community resources.

34 (3) Hold juveniles accountable for their delinquent behavior through
35 such means as victim restitution, community service programs and the sharing
36 of correctional costs.

37 (4) Invoke the participation of the juvenile offender's parent or legal
38 guardian in assisting the juvenile to recognize and accept responsibility
39 for his delinquent or other antisocial behavior and hold the parent ~~or legal~~
40 ~~guardian~~ accountable, where appropriate, through the payment of detention
41 costs and restitution to victims and through attendance at programs for the
42 development of positive parenting skills designed to promote a functional
43 relationship between the juvenile and his family.

44 (5) Develop efficient and effective juvenile correctional programs
45 within the framework of professional correctional standards, legislative
46 intent and available resources.

47 (6) Provide for a diversity of innovative and effective programs
48 through research on delinquent behavior and the continuous evaluation of
49 correctional programs.

1 (7) Assist counties in developing meaningful programs for juveniles
2 who have come into the juvenile corrections system but who have not been com-
3 mitted to the custody of the department of juvenile corrections.

4 (8) Provide programs to increase public awareness of the mission of the
5 juvenile corrections system and encourage public participation in develop-
6 ing an effective juvenile corrections system designed to aid in reducing ju-
7 venile crime in this state.

8 (9) Develop and maintain a statewide juvenile offender information
9 system.

10 SECTION 6. That Section 20-520, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 20-520. SENTENCING. (1) Upon the entry of an order finding the juve-
13 nile is within the purview of the act, the court shall then hold a sentenc-
14 ing hearing in the manner prescribed by the Idaho juvenile rules to determine
15 the sentence that will promote accountability, competency development and
16 community protection. Prior to the entry of an order disposing of the case,
17 other than an order of discharge or dismissal, the court may request and, if
18 requested, shall receive a report containing the results of an inquiry into
19 the home environment, past history, competency development, prevention or
20 out of home placement services provided, and the social, physical and mental
21 condition of the juvenile. The court shall not consider or review the report
22 prior to the entry of an order of adjudication. Upon presentation and con-
23 sideration of the report by the court, the court may proceed to sentence the
24 juvenile as follows:

25 (a) Place the juvenile on formal probation for a period not to exceed
26 three (3) years from the date of the order, except the court may place a
27 juvenile on formal probation for a period not to exceed the juvenile's
28 twenty-first birthday if the court finds that the juvenile has commit-
29 ted a crime of a sexual nature;

30 (b) Sentence the juvenile to detention pursuant to this act for a period
31 not to exceed thirty (30) days for each act, omission or status which is
32 prohibited by the federal, state, local or municipal law or ordinance by
33 reason of minority only. The sentence shall not be executed unless the
34 act, omission or status is in violation of section 922(x) of title 18,
35 United States Code, or the court finds that the juvenile has violated
36 the court's decree imposing the sentence as provided below.

37 If the court, after notice and hearing, finds that a juvenile has vio-
38 lated the court's decree imposing the sentence under circumstances that
39 bring the violation under the valid court order exception of the federal
40 juvenile justice and delinquency prevention act of 1974, as amended,
41 the court may commit the juvenile to detention for the period of deten-
42 tion previously imposed at sentencing;

43 (c) Commit the juvenile to a period of detention, pursuant to this act,
44 for a period of time not to exceed ninety (90) days for each unlawful or
45 criminal act the juvenile is found to have committed, if the unlawful or
46 criminal act would be a misdemeanor if committed by an adult, or where
47 the juvenile has been adjudicated as an habitual status offender;

48 (d) If the juvenile has committed an unlawful or criminal act which
49 would be a felony if committed by an adult, the court may commit the ju-

1 juvenile to detention for a period not to exceed one hundred eighty (180)
2 days for each unlawful or criminal act;

3 (e) Whenever a court commits a juvenile to a period of detention it
4 shall notify the school district where the detention facility is lo-
5 cated. No juvenile who is found to come within the purview of the act for
6 the commission of a status offense shall be sentenced to detention in a
7 jail facility unless an adjudication has been made that the juvenile is
8 an habitual status offender;

9 (f) Commit the juvenile to detention and suspend the sentence on spe-
10 cific probationary conditions;

11 (g) The court may suspend or restrict the juvenile's driving privileges
12 for such periods of time as the court deems necessary, and the court may
13 take possession of the juvenile's driver's license. The juvenile may
14 request restricted driving privileges during a period of suspension,
15 which the court may allow if the juvenile shows by a preponderance of ev-
16 idence that driving privileges are necessary for his employment or for
17 family health needs;

18 (h) The court may order that the juvenile be examined or treated by a
19 physician, surgeon, psychiatrist or psychologist, or that he receive
20 other special care, or that he submit to an alcohol or drug evaluation,
21 if needed, and for such purposes may place the juvenile in a hospital or
22 other suitable facility;

23 (i) The court may order that the department of health and welfare con-
24 duct a comprehensive substance abuse assessment of the juvenile. After
25 receiving the comprehensive substance abuse assessment, and upon a
26 finding by the court that treatment will provide a cost-effective means
27 of achieving the sentencing goals of accountability, competency devel-
28 opment and community protection, the court may order that the juvenile
29 receive immediate treatment for substance abuse in keeping with a plan
30 of treatment approved by the court. The initial cost of the assessment
31 and treatment shall be borne by the department of health and welfare.
32 The director of the department of health and welfare may promulgate
33 rules consistent with this paragraph (i) to establish a schedule of fees
34 to be charged to parents by the department of health and welfare for such
35 services based upon the cost of the services and the ability of parents
36 to pay;

37 (j) In support of an order under the provisions of this section, the
38 court may make an additional order setting forth reasonable conditions
39 to be complied with by the parents, the juvenile, his legal guardian or
40 custodian, or any other person who has been made a party to the proceed-
41 ings, including, but not limited to, restrictions on visitation by the
42 parents or one (1) parent, restrictions on the juvenile's associates,
43 occupation and other activities, and requirements to be observed by the
44 parents, guardian or custodian;

45 (k) The court may make any other reasonable order which is in the best
46 interest of the juvenile or is required for the protection of the pub-
47 lic, except that no person under the age of eighteen (18) years may be
48 committed to jail, prison or a secure facility which does not meet the
49 standards set forth in section 20-518, Idaho Code, unless jurisdiction
50 over the individual is in the process of being waived or has been waived

1 pursuant to section 20-508 or 20-509, Idaho Code. The court may combine
2 several of the above-listed modes of disposition where they are compat-
3 ible;

4 (l) An order under the provisions of this section for probation or
5 placement of a juvenile with an individual or an agency may provide a
6 schedule for review of the case by the court;

7 (m) Order the proceeding expanded or altered to include consideration
8 of the cause pursuant to chapter 16, title 16, Idaho Code;

9 (n) Order the case and all documents and records connected therewith
10 transferred to the magistrate division of the district court for the
11 county where the juvenile and/or parents reside if different than the
12 county where the juvenile was charged and found to have committed the
13 unlawful or criminal act, for the entry of a dispositional order;

14 (o) Order such other terms, conditions, care or treatment as appears to
15 the court will best serve the interests of the juvenile and the commu-
16 nity;

17 (p) The court shall assess a twenty dollar (\$20.00) detention/proba-
18 tion training academy fee against the juvenile for every petition filed
19 where there has been an adjudication that the juvenile is within the
20 purview of this chapter. All moneys raised pursuant to this paragraph
21 shall be transmitted by the court for deposit in the juvenile correc-
22 tions fund which is created in section 20-542, Idaho Code;

23 (q) Additionally, the court shall assess a fee of sixty cents (60¢)
24 per hour of community service against the juvenile for every petition
25 filed where there has been an adjudication that the juvenile is within
26 the purview of this chapter and the court is ordering community ser-
27 vice. Such fee is to be remitted by the court to the state insurance fund
28 for purposes of providing worker's compensation insurance for persons
29 performing community service pursuant to this chapter. However, if a
30 county is self-insured and provides worker's compensation insurance
31 for persons performing community service pursuant to the provisions
32 of this chapter, then remittance to the state insurance fund is not re-
33 quired;

34 (r) Commit the juvenile to the legal custody of the department of juve-
35 nile corrections for an indeterminate period of time not to exceed the
36 juvenile's nineteenth birthday, unless the custody review board deter-
37 mines that extended time in custody is necessary to address competency
38 development, accountability, and community protection; provided how-
39 ever, that no juvenile shall remain in the custody of the department be-
40 yond the juvenile's twenty-first birthday. The department shall adopt
41 rules implementing the custody review board and operations and proce-
42 dures of such board;

43 (s) Notwithstanding any other provision of this section, a court may
44 not commit a juvenile offender under the age of ten (10) years to a pe-
45 riod of detention or to the custody of the department of juvenile cor-
46 rections for placement in secure confinement.

47 (2) When an order is entered pursuant to this section, the juvenile
48 shall be transported to the facility or program so designated by the court
49 or the department, as applicable, by the sheriff of the county where the ju-
50 venile resides or is committed, or by an appointed agent. When committing a

1 juvenile to the department, or another entity, the court shall at once forward to the department or entity a certified copy of the order of commitment.

2 (3) Unless the court determines that an order of restitution would be
3 inappropriate or undesirable, it shall order the juvenile or his parents or
4 both to pay restitution to or make whole any victim who suffers an economic
5 loss as a result of the juvenile's conduct in accordance with the standards
6 and requirements of sections 19-5304 and 19-5305, Idaho Code. The amount of
7 restitution which may be ordered by the court shall not be subject to the limitations of section 6-210, Idaho Code. Court-ordered restitution shall be
8 paid prior to any other court-ordered payments unless the court specifically
9 orders otherwise. The clerk of the district court, with the approval of the
10 administrative district judge, may use the procedures set forth in section
11 19-4708, Idaho Code, for the collection of the restitution.

12 (4) The court may order the juvenile's parents, ~~legal guardian~~ or custodian to pay the charges imposed by community programs ordered by the court for the juvenile, or the juvenile's parents, ~~legal guardian~~ or custodian.

13 (5) Any parent, legal guardian or custodian violating any order of the
14 court entered against the person under the provisions of this chapter shall
15 be subject to contempt proceedings under the provisions of chapter 6, title
16 7, Idaho Code.

17 SECTION 7. That Section 20-524, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 20-524. SUPPORT OF JUVENILE -- REIMBURSEMENT FOR COSTS INCURRED. (1)
20 Whenever a juvenile is placed by the court in custody other than that of the
21 juvenile's parents, ~~guardian~~ or custodian, after due notice to the parent, ~~guardian~~ or other persons legally obligated to care for and support the juvenile, and after a hearing, the court may order and decree that the parent or other legally obligated person shall pay in such a manner as the court may direct a reasonable sum that will cover in whole or in part the support and treatment of the juvenile. If the parent or other legally obligated person willfully fails or refuses to pay such sum, the court may proceed against him for contempt, or the order may be filed and shall have the effect of a civil judgment.

22 (2) If the juvenile is detained, the court may order that the parents ~~or~~
23 ~~other legal guardian~~ of the juvenile or other legally obligated person contribute to the costs of detention in an amount to be set by the court. The order may be filed and shall have the effect of a civil judgment. It is the intent of the legislature that foster parents or a parent or legal guardian receiving public assistance relating to that juvenile should not benefit from the continued receipt of payments or public assistance from any state or federal agency while the juvenile is detained. The department of health and welfare is directed to promulgate a rule implementing this intent.

24 (3) All child support orders shall notify the obligor that the order
25 will be enforced by income withholding pursuant to chapter 12, title 32,
26 Idaho Code.

27 (4) Failure to include these provisions does not affect the validity of
28 the support order or decree. The court shall require that the social security numbers of both the obligor and obligee be included in the order or decree.

1 SECTION 8. That Section 32-1301, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 32-1301. CITIES AND COUNTIES MAY ENACT AND ENFORCE ORDINANCES FOR
4 FAILURE TO SUPERVISE A CHILD. (1) Any county or city may by ordinance estab-
5 lish and enforce the offense of failure to supervise a child as provided in
6 this section.

7 (2) The ordinance may provide that a person who is the parent, lawful
8 guardian with legal and physical custody or other person, except a foster
9 parent, lawfully charged with the care or custody of a child under sixteen
10 (16) years of age commits the offense of failure to supervise a child if the
11 child:

12 (a) Commits an act bringing the child within the purview of the juvenile
13 corrections act, chapter 5, title 20, Idaho Code, or commits a crime for
14 which the child is required to be tried as an adult, or for which ju-
15 risdiction under the juvenile corrections act is subject to waiver pur-
16 suant to chapter 5, title 20, Idaho Code; or

17 (b) Fails to attend school or is not comparably instructed, as provided
18 in section 33-202, Idaho Code; or

19 (c) Violates a curfew law of the county or city enacting the ordinance
20 authorized under this section.

21 (3) (a) A person shall not be subject to prosecution under an ordinance
22 containing the provisions of subsection (2) (a) of this section if the
23 person:

24 (i) Is the victim of the act bringing the child within the purview
25 of the provisions of chapter 5, title 20, Idaho Code; or

26 (ii) Reported the act of the child to the local law enforcement
27 agency, the juvenile court, the department of health and welfare
28 or other appropriate authority as provided in the ordinance;

29 (b) A person shall not be subject to prosecution under an ordinance con-
30 taining the provisions of subsection (2) (a), (b) or (c) of this section
31 if the person shows to the satisfaction of the court that the person took
32 reasonable steps to control the conduct of the child at the time the per-
33 son is alleged to have failed to supervise the child.

34 (4) Except as provided in subsection (5) of this section, the ordinance
35 may provide that in a prosecution for failure to supervise a child the court
36 may order the person to pay restitution to or make whole any victim who suf-
37 fers an economic loss as a result of the juvenile's conduct in accordance
38 with the standards and requirements of sections 19-5304 and 19-5305, Idaho
39 Code, provided that the restitution ordered to be paid shall not exceed
40 twenty-five hundred dollars (\$2,500).

41 (5) The ordinance may provide that when a child commits any of the acts
42 set forth in subsection (2) of this section, the parent, lawful guardian with
43 legal and physical custody or other person lawfully charged with the care or
44 custody of the child may be charged, by citation or summons, with the offense
45 of failure to supervise a child, unless the person with lawful custody is a
46 foster parent. Upon a first offense, the officer may serve a copy of the or-
47 dinance upon the parent, lawful guardian with legal and physical custody or
48 other person, other than a foster parent, as a warning of the penalties. This
49 service shall be documented by the officer.

(6) An ordinance enacted pursuant to this section shall provide that if a person is found guilty or pleads guilty to the offense of failure to supervise a child, the person shall be guilty of a misdemeanor and shall be subject to a fine of not more than one thousand dollars (\$1,000). The ordinance may provide that, in lieu of imposing a fine, the court, with the consent of the person, may order the person to complete parenting classes or undertake other treatment or counseling, as approved by the court, and upon the person's completion of the classes, treatment or counseling to the satisfaction of the court, the court may discharge the person or if the person fails to complete the program to the satisfaction of the court, the court may impose the penalty provided in this section. The ordinance may provide that any person violating the orders of the court entered under the ordinance shall be subject to contempt proceedings in accordance with chapter 6, title 7, Idaho Code, in addition to any other penalties authorized pursuant to this section.

(7) The ordinance may provide that the juvenile court has jurisdiction over a first offense of failing to supervise a child and that any subsequent offense shall be subject to the jurisdiction of the magistrate's division of the district court, or may provide that any offense of failing to supervise the child shall be subject to the jurisdiction of the juvenile court or to the jurisdiction of the magistrate's division of the district court.

(8) Conviction of a person under an ordinance enacted under the authority of this section shall not preclude any other action or proceedings against the person which may be undertaken pursuant to the provisions of chapter 5, title 20, Idaho Code, or other provisions of law.

SECTION 9. That Section 33-1406, Idaho Code, be, and the same is hereby amended to read as follows:

33-1406. BILLS OF TUITION. Bills of tuition for nonresident pupils shall be rendered by each creditor district and for nonresident pupils attending any school of the creditor district under the provisions of section 33-1403 or 33-1404, Idaho Code, the bill of tuition shall be submitted to the home district of such pupils. In all other cases, the creditor district may submit to the parent ~~or guardian~~ of any nonresident pupil attending school in its district a bill of tuition of such pupil, and such parent ~~or guardian~~ shall be liable for the payment of said tuition, if so billed. Tuition reimbursement for nonresident pupils who are placed by court order under provisions of the Idaho juvenile corrections or child protective acts may be obtained by the creditor district through procedures established in section 33-1002, Idaho Code, for nonresident tuition-equivalency allowance.

Each bill of tuition submitted to a home district shall show the serial number of the tuition certificate last issued to the creditor district by the state department of education and shall show also the number of pupils for whom tuition is charged, which charge shall be as shown by the said tuition certificate.

Bills of tuition, if submitted other than annually, shall be apportioned according to the number of school months for which any such bill is applicable. A fraction of a school month shall be deemed a school month.

1 SECTION 10. That Section 39-2611, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 39-2611. LIABILITY OF PARENTS ~~OR GUARDIANS~~. The parents, ~~guardians~~ or
4 other persons having custody or control of a minor shall be liable for damage
5 caused by the use of fireworks by the minor.

6 SECTION 11. That Section 39-7504, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 39-7504. FINANCIAL RESPONSIBILITY OF PARENTS ~~AND GUARDIANS~~ OF ES-
9 TATE. The compact administrator shall take appropriate action pursuant to
10 existing law to effect the recovery from relevant parents ~~or guardians~~ of
11 estate, at the option of said administrator, of any and all costs expended by
12 the state, or any of its subdivisions, with respect to Idaho children handled
13 under said compact.

14 SECTION 12. That Section 48-702, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 48-702. LIABILITY FOR ACTS OF MINORS. The parent ~~or legal guardian~~,
17 having legal custody, of a minor who knowingly removes merchandise from a
18 merchant's premises without paying therefor, or knowingly conceals merchan-
19 dise to avoid paying therefor, or knowingly commits retail theft, shall be
20 civilly liable to the merchant for the retail value of the merchandise, plus
21 damages of not less than one hundred dollars (\$100) nor more than two hundred
22 fifty dollars (\$250), costs of suit and reasonable attorney's¹ fees. Recov-
23 ery under this section is not limited by any other provision of law which lim-
24 its the liability of a parent ~~or legal guardian~~ for the tortious conduct of a
25 minor. The liability of parents ~~or legal guardian~~ and of the minor under this
26 chapter is joint and several.

27 A parent ~~or guardian~~ not having legal custody of a minor shall not be li-
28 able for the conduct of the minor proscribed by this act.