

1 House BILL NO. 221
 2 INTRODUCED BY Tommy J. Kelly
 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE TO \$25 A
 6 DAY THE RATE AT WHICH FINES FOR TRAFFIC AND VEHICLE
 7 EQUIPMENT VIOLATIONS ARE DECREASED FOR EACH DAY OF
 8 IMPRISONMENT IN THE COUNTY JAIL; AND AMENDING SECTIONS
 9 61-8-711 AND 61-9-511, MCA."

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 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 61-8-711, MCA, is amended to read:

13 "61-8-711. Violation of chapter -- penalty. (1) It is a
 14 misdemeanor for any person to violate any of the provisions
 15 of this chapter unless the violation is declared to be a
 16 felony by this chapter or other law of this state.

17 (2) Every person convicted of a misdemeanor for a
 18 violation of any of the provisions of this chapter for which
 19 another penalty is not provided shall for a first conviction
 20 thereof be punished by a fine of not less than \$10 or more
 21 than \$100 or by imprisonment for not more than 10 days. For
 22 a second conviction within 1 year thereafter, the person
 23 shall be punished by a fine of not less than \$25 or more
 24 than \$200 or by imprisonment for not more than 20 days or by
 25 both such fine and imprisonment. Upon a third or subsequent

1 conviction within 1 year after the first conviction, the
 2 person shall be punished by a fine of not less than \$50 or
 3 more than \$500 or by imprisonment for not more than 6 months
 4 or by both such fine and imprisonment.

5 (3) On failure of payment of a fine, the offender in
 6 case of a misdemeanor shall be imprisoned in the county jail
 7 in the county in which the offense was committed, and the
 8 imprisonment shall be computed upon the basis of one day's
 9 incarceration for each \$10 \$25 of the fine.

10 (4) Upon conviction, the court costs or any part
 11 thereof may be assessed against the defendant in the
 12 discretion of the court."

13 **Section 2.** Section 61-9-511, MCA, is amended to read:

14 "61-9-511. Violation of chapter -- penalty. (1) It is a
 15 misdemeanor for any person to violate any of the provisions
 16 of this chapter unless such violation is by this chapter or
 17 other law of this state declared to be a felony.

18 (2) Every person convicted of a misdemeanor for a
 19 violation of any of the provisions of this chapter for which
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4 more than \$500 or by imprisonment for not more than 6 months
5 or by both fine and imprisonment.

6 (3) On failure of payment of fines, the offender in
7 cases of misdemeanor shall be imprisoned in the county jail
8 in the county in which the offense has been committed, and
9 said imprisonment shall be computed upon the basis of ~~2~~ \$25
10 of said fine for each day's incarceration.

11 (4) Upon conviction the court costs, or any part
12 thereof, may also be assessed against the defendant in the
13 discretion of the court."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0221, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill would increase to \$25 the rate at which fines for traffic and vehicle equipment violations are decreased for each day of imprisonment in a county jail.

ASSUMPTIONS:


1. The Highway Patrol pays county detention centers for approximately 10,000 prisoner days per year at an average cost of \$33 per day.
2. 20% of the prisoner days paid by the Highway Patrol are for prisoners who are "working-off" unpaid traffic or vehicle equipment violation fines.
3. Currently, all fines being "worked-off" by incarceration are decreased at the rate of \$10 per day. The bill provides for a fine offset rate of \$25 per day for traffic and vehicle equipment violations having a current rate of either \$2 or \$10 per day.
4. Current law is represented by the executive budget recommendation for the Highway Patrol Division program.

FISCAL IMPACT:Department of Justice-Highway Patrol Division

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Costs	2,224,260	2,184,260	(40,000)	2,212,817	2,172,817	(40,000)
<u>Funding:</u>						
Highways Special (02)	2,224,260	2,184,260	(40,000)	2,212,817	2,172,817	(40,000)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Counties may experience a reduction in total days of incarceration which could reduce the variable costs of operating county detention centers.


 ROD SUNDSTED, BUDGET DIRECTOR
 Office of Budget and Program Planning
 DATE 1-21-91


 HOWARD TOOLE, PRIMARY SPONSOR
 DATE 1/22/91

Fiscal Note for HB0221, as introduced**HB 221**

APPROVED BY COMMITTEE
ON JUDICIARY

House BILL NO. *221*

INTRODUCED BY *Tom Jagg*
BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE TO \$25 A DAY THE RATE AT WHICH FINES FOR TRAFFIC AND VEHICLE EQUIPMENT VIOLATIONS ARE DECREASED FOR EACH DAY OF IMPRISONMENT IN THE COUNTY JAIL; AND AMENDING SECTIONS 61-8-711 AND 61-9-511, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-711, MCA, is amended to read:

"61-8-711. Violation of chapter -- penalty. (1) It is a misdemeanor for any person to violate any of the provisions of this chapter unless the violation is declared to be a felony by this chapter or other law of this state.

(2) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not less than \$10 or more than \$100 or by imprisonment for not more than 10 days. For a second conviction within 1 year thereafter, the person shall be punished by a fine of not less than \$25 or more than \$200 or by imprisonment for not more than 20 days or by both such fine and imprisonment. Upon a third or subsequent

conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than \$50 or more than \$500 or by imprisonment for not more than 6 months or by both such fine and imprisonment.

(3) On failure of payment of a fine, the offender in case of a misdemeanor shall be imprisoned in the county jail in the county in which the offense was committed, and the imprisonment shall be computed upon the basis of one day's incarceration for each ~~\$10~~ \$25 of the fine.

(4) Upon conviction, the court costs or any part thereof may be assessed against the defendant in the discretion of the court."

Section 2. Section 61-9-511, MCA, is amended to read:

"61-9-511. Violation of chapter -- penalty. (1) It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this state declared to be a felony.

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1 *House* BILL NO. *221*
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 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE
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THIRD READING

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3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

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