# HOUSE BILL NO. 311

### INTRODUCED BY HOFFMAN, VAN VALKENBURG

### IN THE HOUSE

JANUARY 21, 1991 INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. JANUARY 22, 1991 FIRST READING. FEBRUARY 4, 1991 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED. FEBRUARY 5, 1991 PRINTING REPORT. FEBRUARY 6, 1991 SECOND READING, DO PASS. FEBRUARY 7, 1991 ENGROSSING REPORT. FEBRUARY 8, 1991 THIRD READING, PASSED. AYES, 93; NOES, 2. TRANSMITTED TO SENATE. IN THE SENATE FEBRUARY 9, 1991 INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. FIRST READING. MARCH 13, 1991 COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED. MARCH 15, 1991 SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN. MARCH 16, 1991 AYES, 49; NOES, 0. RETURNED TO HOUSE WITH AMENDMENTS. IN THE HOUSE MARCH 21, 1991 RECEIVED FROM SENATE. SECOND READING, AMENDMENTS CONCURRED IN.

MARCH 23, 1991

THIRD READING, AMENDMENTS

CONCURRED IN. SENT TO ENROLLING. REPORTED CORRECTLY ENROLLED. 52nd Legislature

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Hause BILL NO. 311 Homen Va Valkenbry INTRODUCED BY 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FINES, 5 PENALTIES, AND FORFEITURES FOR VIOLATIONS OF DRUG LAWS TO BE 6 PAID INTO ACCOUNTS USED TO COMBAT DRUG CRIMES; AND AMENDING 7 SECTIONS 3-10-601 AND 46-18-235, MCA." 8

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

10 Section 1. Section 3-10-601, MCA, is amended to read: 11 "3-10-601. Collection and disposition of fines, 12 penalties, forfeitures, and fees. (1) Each justice of the 13 peace shall collect the fees prescribed by law for justices' 14 courts and shall pay them into the county treasury of the 15 county wherein he holds office, on or before the 10th day of 16 each month, to be credited to the general fund of the 17 county.

18 (2) All fines, penalties, and forfeitures that this 19 code requires to be imposed, collected, or paid in a 20 justice's court must, for each calendar month, be paid by 21 the justice's court on or before the 5th day of the 22 following month to the treasurer of the county in which the 23 justice's court is situated, except that they may be 24 distributed as provided in 44-12-206 if imposed, collected, 25 or paid for a violation of Title 45, chapter 9 or 10.

1 (3) The county treasurer shall, in the manner provided 2 in 15-1-504, distribute money received under subsection (2) 3 as follows:

(a) 50% to the state treasurer: and

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(b) 50% to the county general fund.

(4) The state treasurer shall distribute money received б 7 under subsection (3) as follows:

8 (a) 23% to the state general fund;

9 (b) 10% to the fish and game account in the state 1.0 special revenue fund;

11 (c) 12.5% to the state highway account in the state 12 special revenue fund;

13 (d) 36% to the traffic education account in the state 14 special revenue fund;

15 (e) 0.6% to the department of livestock account in the 16 state special revenue fund;

17 (f) 16.9% to the crime victims compensation account in 18 the state special revenue fund; and

19 (g) 1% to the department of family services special 20 revenue account for the battered spouses and domestic 21 violence grant program."

22 Section 2. Section 46-18-235, MCA, is amended to read:

23 "46-18-235. Disposition of money collected as fines and 24 costs. The money collected by a court, except money 25 collected by a justice's court, as a result of the

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1 imposition of fines or assessment of costs under the 2 provisions of 46-18-231 and 46-18-232 shall be paid to the 3 county general fund of the county in which the court is 4 held, except that:

5 (1) if the costs assessed include any district court 6 expense listed in 3-5-901, the money collected from 7 assessment of these costs must be paid to the department of 8 commerce for deposit into the state general fund to the 9 extent the expenses were paid by the state;

10 (2) if the fine was imposed for a violation of Title 11 45, chapter 9 or 10, the <u>district or justice's</u> court may 12 order the money paid into the drug forfeiture account 13 maintained under 44-12-206 for the law enforcement agency 14 which made the arrest from which the conviction and fine 15 arose; and

16 (3) if the fine was imposed for a violation of 17 45-5-206, 50% of the amount collected, except for fines 18 collected by a justice justice's court and distributed 19 pursuant to 3-10-601, must be deposited in the state special 20 revenue fund for use of the department of family services in 21 the battered spouses and domestic violence grant program 22 created by 40-2-401."

-End-

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APPROVED BY COMMITTEE

ON JUDICIARY Heuse BILL NO. 311 Hofman Vo Valkerburg 1 2 INTRODUCED BY 3 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FINES, 4 PENALTIES, AND FORFEITURES FOR VIOLATIONS OF DRUG LAWS TO BE 5 PAID INTO ACCOUNTS USED TO COMBAT DRUG CRIMES; AND AMENDING 6 SECTIONS 3-10-601 AND 46-18-235, MCA." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 10 Section 1. Section 3-10-601, MCA, is amended to read: 11 "3-10-601, Collection and disposition of fines, 12 penalties, forfeitures, and fees. (1) Each justice of the 13 peace shall collect the fees prescribed by law for justices' 14 courts and shall pay them into the county treasury of the 15 county wherein he holds office, on or before the 10th day of each month, to be credited to the general fund of the 16 17 county. (2) All fines, penalties, and forfeitures that this 18 code requires to be imposed, collected, or paid in a 19 justice's court must, for each calendar month, be paid by 20 21 the justice's court on or before the 5th day of the

22 following month to the treasurer of the county in which the 23 justice's court is situated, except that they may be

24 distributed as provided in 44-12-206 if imposed, collected,

or paid for a violation of Title 45, chapter 9 or 10. 25



1 (3) The county treasurer shall, in the manner provided 2 in 15-1-504, distribute money received under subsection (2) 3 as follows:

(a) 50% to the state treasurer; and

(b) 50% to the county general fund.

6 (4) The state treasurer shall distribute money received7 under subsection (3) as follows:

8 (a) 23% to the state general fund;

9 (b) 10% to the fish and game account in the state10 special revenue fund;

11 (c) 12.5% to the state highway account in the state

12 special revenue fund;

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13 (d) 36% to the traffic education account in the state14 special revenue fund;

(e) 0.6% to the department of livestock account in thestate special revenue fund;

17 (f) 16.9% to the crime victims compensation account in18 the state special revenue fund; and

(g) 1% to the department of family services special
revenue account for the battered spouses and domestic
violence grant program."

22 Section 2. Section 46-18-235, MCA, is amended to read:

23 "46-18-235. Disposition of money collected as fines and 24 costs. The money collected by a court, except money 25 collected by a justice's court, as a result of the

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1 imposition of fines or assessment of costs under the 2 provisions of 46-18-231 and 46-18-232 shall be paid to the 3 county general fund of the county in which the court is 4 held, except that:

5 (1) if the costs assessed include any district court 6 expense listed in 3-5-901, the money collected from 7 assessment of these costs must be paid to the department of 8 commerce for deposit into the state general fund to the 9 extent the expenses were paid by the state;

10 (2) if the fine was imposed for a violation of Title 11 45, chapter 9 or 10, the <u>district or justice's</u> court may 12 order the money paid into the drug forfeiture account 13 maintained under 44-12-206 for the law enforcement agency 14 which made the arrest from which the conviction and fine 15 arose; and

16 (3) if the fine was imposed for a violation of 17 45-5-206, 50% of the amount collected, except for fines 18 collected by a justice justice's court and distributed 19 pursuant to 3-10-601, must be deposited in the state special 20 revenue fund for use of the department of family services in 21 the battered spouses and domestic violence grant program 22 created by 40-2-401."

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INTRODUCED BY Hiffman Va Valkerbur 1 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FINES, 5 PENALTIES, AND FORFEITURES FOR VIOLATIONS OF DRUG LAWS TO BE 6 PAID INTO ACCOUNTS USED TO COMBAT DRUG CRIMES; AND AMENDING 7 SECTIONS 3-10-601 AND 46-18-235, MCA." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 3-10-601, MCA, is amended to read: "3-10-601. Collection and disposition of fines, 11 12 penalties, forfeitures, and fees. (1) Each justice of the 13 peace shall collect the fees prescribed by law for justices' 14 courts and shall pay them into the county treasury of the 15 county wherein he holds office, on or before the 10th day of 16 each month, to be credited to the general fund of the 17 county. (2) All fines, penalties, and forfeitures that this 18 19 code requires to be imposed, collected, or paid in a 20 justice's court must, for each calendar month, be paid by 21 the justice's court on or before the 5th day of the 22 following month to the treasurer of the county in which the 23 justice's court is situated, except that they may be 24 distributed as provided in 44-12-206 if imposed, collected,

#### 25 or paid for a violation of Title 45, chapter 9 or 10.

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1 (3) The county treasurer shall, in the manner provided in 15-1-504, distribute money received under subsection (2) 2 as follows: 3 1 (a) 50% to the state treasurer; and 5 (b) 50% to the county general fund. б (4) The state treasurer shall distribute money received 7 under subsection (3) as follows: 8 (a) 23% to the state general fund; 9 (b) 10% to the fish and game account in the state 10 special revenue fund; 11 (c) 12.5% to the state highway account in the state 12 special revenue fund; 13 (d) 36% to the traffic education account in the state 14 special revenue fund; 15 (e) 0.6% to the department of livestock account in the 16 state special revenue fund; 17 (f) 16.9% to the crime victims compensation account in 18 the state special revenue fund; and 19 (q) 1% to the department of family services special 20 revenue account for the battered spouses and domestic 21 violence grant program." 22 Section 2. Section 46-18-235, MCA, is amended to read: 23 "46-18-235. Disposition of money collected as fines and 24 costs. The money collected by a court, except money 25 collected by a justice's court, as a result of the

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i imposition of fines or assessment of costs under the provisions of 46-18-231 and 46-18-232 shall be paid to the county general fund of the county in which the court is held, except that:

5 (1) if the costs assessed include any district court 6 expense listed in 3-5-901, the money collected from 7 assessment of these costs must be paid to the department of 8 commerce for deposit into the state general fund to the 9 extent the expenses were paid by the state;

10 (2) if the fine was imposed for a violation of Title 11 45, chapter 9 or 10, the <u>district or justice's</u> court may 12 order the money paid into the drug forfeiture account 13 maintained under 44-12-206 for the law enforcement agency 14 which made the arrest from which the conviction and fine 15 arose; and

(3) if the fine was imposed for a violation of
45-5-206, 50% of the amount collected, except for fines
collected by a justice justice's court and distributed
pursuant to 3-10-601, must be deposited in the state special
revenue fund for use of the department of family services in
the battered spouses and domestic violence grant program
created by 40-2-401."

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HB 311

AS AMENDED

REFERENCE BILL

1	HOUSE BILL NO. 311	1	justice's court is situated, except that they may be
2	INTRODUCED BY HOFFMAN, VAN VALKENBURG	2	distributed as provided in 44-12-206 if imposed, collected,
3		3	or paid for a violation of Title 45, chapter 9 or 10.
4	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FINES,	4	(3) The county treasurer shall, in the manner provided
5	PENALTIES, AND FORFEITURES COLLECTED BY JUSTICES' COURTS FOR	5	in 15-1-504, distribute money received under subsection (2)
6	VIOLATIONS OF DRUG LAWS TO BE PAID INTO ACCOUNTS-USED-TO	6	as follows:
7	COMBAT-DRUG-CRIMES THE DRUG FORFEITURE ACCOUNT; CLARIFYING	7	(a) 50% to the state treasurer; and
8	DISTRIBUTION OF MONEY COLLECTED BY DISTRICT COURTS AND	8	(b) 50% to the county general fund.
9	JUSTICES' COURTS; AND AMENDING SECTIONS 3-10-601 AND	9	(4) The state treasurer shall distribute money received
10	46-18-235, MCA."	10	under subsection (3) as follows:
11		11	(a) 23% to the state general fund;
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12	(b) 10% to the fish and game account in the state
13	Section 1. Section 3-10-601, MCA, is amended to read:	13	special revenue fund;
14	"3-10-601. Collection and disposition of fines,	14	(c) 12.5% to the state highway account in the state
15	penalties, forfeitures, and fees. (1) Each justice of the	15	special revenue fund;
16	peace shall collect the fees prescribed by law for justices'	16	(d) 36% to the traffic education account in the state
1 <b>7</b>	courts and shall pay them into the county treasury of the	17	special revenue fund;
18	county wherein he holds office, on or before the 10th day of	18	(e) 0.6% to the department of livestock account in the
19	each month, to be credited to the general fund of the	19	state special revenue fund;
20	county.	20	(f) 16.9% to the crime victims compensation account in
21	(2) All fines, penalties, and forfeitures that this	21	the state special revenue fund; and
22	code requires to be imposed, collected, or paid in a	22	(g) 1% to the department of family services special
23	justice's court must, for each calendar month, be paid by	23	revenue account for the battered spouses and domestic
24	the justice's court on or before the 5th day of the	24	violence grant program."
25	following month to the treasurer of the county in which the	25	Section 2. Section 46-18-235, MCA, is amended to read:

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1 "46-18-235. Disposition of money collected as fines and 2 costs. The money collected by a court7--except---money 3 collected---by--a--justice's--court7 as a result of the 4 imposition of fines or assessment of costs under the 5 provisions of 46-18-231 and 46-18-232 shall be paid:

6 (1) BY A DISTRICT COURT to the county general fund of 7 the county in which the court is held, except that:

8 (1)(A) if the costs assessed include any district court 9 expense listed in 3-5-901, the money collected from 10 assessment of these costs must be paid to the department of 11 commerce for deposit into the state general fund to the 12 extent the expenses were paid by the state;

13 (?)(B) if the fine was imposed for a violation of Title 14 45, chapter 9 or 10, the <u>district-or-justice's</u> court may 15 order the money paid into the drug forfeiture account 16 maintained under 44-12-206 for the law enforcement agency 17 which made the arrest from which the conviction and fine 18 arose; and

19 (3)(C) if the fine was imposed for a violation of 20 45-5-206, 50% of the amount collected,-except-for-fines 21 collected-by--a--justice justice's--court--and--distributed 22 pursuant-to-3-10-601, must be deposited in the state special 23 revenue fund for use of the department of family services in 24 the battered spouses and domestic violence grant program 25 created by 40-2-401; AND HB 0311/02

(2) BY A JUSTICE'S COURT PURSUANT TO 3-10-601."

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