

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.

MARCH 16, 1991 THIRD READING, CONCURRED IN.
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.

1 HOUSE BILL NO. 311
 2 INTRODUCED BY Hoffman Van Valkenburg
 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:

- 4 (a) 50% to the state treasurer; and
- 5 (b) 50% to the county general fund.

6 (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 (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



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 district or justice's 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-

APPROVED BY COMMITTEE ON JUDICIARY

1 INTRODUCTION BY House BILL NO. 311
2 Huffman Van Valkenburg
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:

- 4 (a) 50% to the state treasurer; and
- 5 (b) 50% to the county general fund.
- 6 (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 (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

SECOND READING

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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 district or justice's 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-

1 *HOUSE* BILL NO. *311*
 2 INTRODUCED BY *Huffman* *Van Valkenburg*
 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:

- 4 (a) 50% to the state treasurer; and
- 5 (b) 50% to the county general fund.
- 6 (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 (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 district or justice's 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-

HOUSE BILL NO. 311

INTRODUCED BY HOFFMAN, VAN VALKENBURG

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FINES, PENALTIES, AND FORFEITURES COLLECTED BY JUSTICES' COURTS FOR VIOLATIONS OF DRUG LAWS TO BE PAID INTO ACCOUNTS-USED-TO COMBAT-DRUG-CRIMES THE DRUG FORFEITURE ACCOUNT; CLARIFYING DISTRIBUTION OF MONEY COLLECTED BY DISTRICT COURTS AND JUSTICES' COURTS; AND AMENDING SECTIONS 3-10-601 AND 46-18-235, MCA."

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

Section 1. Section 3-10-601, MCA, is amended to read:

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

(2) All fines, penalties, and forfeitures that this code requires to be imposed, collected, or paid in a justice's court must, for each calendar month, be paid by the justice's court on or before the 5th day of the following month to the treasurer of the county in which the

justice's court is situated, except that they may be distributed as provided in 44-12-206 if imposed, collected, or paid for a violation of Title 45, chapter 9 or 10.

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

- (a) 50% to the state treasurer; and
(b) 50% to the county general fund.

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

- (a) 23% to the state general fund;
(b) 10% to the fish and game account in the state special revenue fund;
(c) 12.5% to the state highway account in the state special revenue fund;
(d) 36% to the traffic education account in the state special revenue fund;
(e) 0.6% to the department of livestock account in the state special revenue fund;
(f) 16.9% to the crime victims compensation account in 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."

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



1 "46-18-235. Disposition of money collected as fines and
 2 costs. The money collected by a court, ~~except money~~
 3 ~~collected by a justice's court,~~ 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 (2)(B) if the fine was imposed for a violation of Title
 14 45, chapter 9 or 10, the ~~district or justice's~~ 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

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

-End-