



REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 798  
 2 INTRODUCED BY *Enli...* *Brake*  
 3 BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE  
 4 *...* *Peterson* *...*  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE CRIME  
 6 VICTIMS COMPENSATION ACT OF MONTANA TO ALLOW THE USE OF  
 7 FUNDS TO ESTABLISH A GENERAL VICTIMS' ASSISTANCE  
 8 COORDINATING AND PLANNING PROGRAM; AND AMENDING SECTIONS  
 9 53-9-102, 53-9-104, AND 53-9-109, MCA."

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

11 **Section 1.** Section 53-9-102, MCA, is amended to read:

12 "53-9-102. Legislative purpose and intent. It is the  
 13 intent of the legislature of this state to provide a method  
 14 of compensating ~~and-assisting~~ those persons within the state  
 15 who are innocent victims of criminal acts and who suffer  
 16 bodily injury or death. To this end, it is the legislature's  
 17 intention to provide compensation for injuries suffered as a  
 18 direct result of the criminal acts of other persons and to  
 19 coordinate victims' assistance programs."

20 **Section 2.** Section 53-9-104, MCA, is amended to read:

21 "53-9-104. Powers and duties of division. (1) The  
 22 division shall:  
 23 (a) adopt rules to implement this part;  
 24 (b) prescribe forms for applications for compensation;

1 (c) determine all matters relating to claims for  
2 compensation; and

3 (d) require any person contracting directly or  
 4 indirectly with an individual formally charged with or  
 5 convicted of a qualifying crime for any rendition,  
 6 interview, statement, book, photograph, movie, television  
 7 production, play, or article relating to such crime to  
 8 deposit any proceeds paid or owed to the individual under  
 9 the terms of the contract into an escrow fund for the  
 10 benefit of any victims of the qualifying crime and any  
 11 dependents of a deceased victim, if the individual is  
 12 convicted of the crime, to be held for such period of time  
 13 as the division may determine is reasonably necessary to  
 14 perfect the claims of the victims or dependents. Deposited  
 15 proceeds may also be used to pay the costs and attorney fees  
 16 of court-appointed counsel for the charged person. Each  
 17 victim and dependent of a deceased victim is entitled to his  
 18 actual and unreimbursed damages of all kinds or \$5,000,  
 19 whichever is greater. Proceeds remaining after payments to  
 20 victims, dependents of deceased victims, and the county as  
 21 reimbursement for any public defender or any attorney  
 22 appointed for the charged person must be deposited in the  
 23 account established in 53-9-109.

24 (2) The division may:  
 25 (a) request and obtain from prosecuting attorneys and



-2- INTRODUCED BILL HB 798

1 law enforcement officers investigations and data to enable  
2 the division to determine whether and the extent to which a  
3 claimant qualifies for compensation. A statute providing  
4 confidentiality for a claimant's juvenile court records does  
5 not apply to proceedings under this part.

6 (b) request and obtain from a health care provider  
7 medical reports that are relevant to the physical condition  
8 of a claimant or from an insurance carrier, agent, or claims  
9 adjuster insurance payment information that is relevant to  
10 expenses claimed by a claimant, provided that the division  
11 has made reasonable efforts to obtain from the claimant a  
12 release of the records or information. No civil or criminal  
13 liability arises from the release of information requested  
14 under this subsection (b).

15 (c) subpoena witnesses and other prospective evidence,  
16 administer oaths or affirmations, conduct hearings, and  
17 receive relevant, nonprivileged evidence;

18 (d) take notice of judicially cognizable facts and  
19 general, technical, and scientific facts within its  
20 specialized knowledge; and

21 (e) require that law enforcement agencies and officials  
22 take reasonable care that victims be informed about the  
23 existence of this part and the procedure for applying for  
24 compensation under this part; and

25 (f) establish a victims' assistance coordinating and

1 planning program."

2 **Section 3.** Section 53-9-109, MCA, is amended to read:

3 "53-9-109. **Crime victims compensation account.** There is  
4 a crime victims compensation and assistance account in the  
5 state special revenue fund. There shall be paid into this  
6 account 18% of the fines assessed and bails forfeited,  
7 except those paid to a justice's court, on all offenses  
8 involving a violation of chapter 3, part 1 of chapter 4, or  
9 chapters 5 through 10 of Title 61 that are a result of  
10 citations or tickets issued by the highway patrol. The money  
11 in the account is to be used solely for the purposes of this  
12 part, and for victims' assistance program coordination and  
13 planning provided by the division. no No cash fund balance  
14 in the account at the end of a fiscal biennium year may be  
15 deposited in the general fund."

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0798, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act amending the crime victims compensation act of Montana to allow the use of funds to establish a general victims' assistance coordinating and planning program.

ASSUMPTIONS:

1. Current law is represented by the Crime Victims Compensation Unit of the Crime Control Division as reflected in the executive budget base.
2. Proposed law is represented by the Crime Victims Compensation Unit of the Crime Control Division as reflected in the executive budget recommendation.
3. It is assumed that fine revenue from justice of the peace courts will remain stable.
4. It is assumed that revenue from subrogation and restitution will remain stable.
5. The proposal does not affect current or recommended revenues but merely authorizes spending authority from the existing victims compensation state special revenue account.

FISCAL IMPACT:Crime Control Division-Victims Compensation Unit

<u>Expenditures:</u>	<u>FY 92</u>			<u>FY 93</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	2.00	3.00	1.00	2.00	3.00	1.00
Personal Services	48,636	71,231	22,595	48,680	71,224	22,544
Operating Costs	10,029	13,608	3,579	9,985	13,426	3,441
Equipment	0	2,942	2,942	0	0	0
Benefits & Claims	<u>375,000</u>	<u>375,000</u>	<u>0</u>	<u>375,000</u>	<u>375,000</u>	<u>0</u>
Total	433,665	462,781	29,116	433,665	459,650	25,985
<u>Funding:</u>						
Crime Victims Benefits (02)	433,665	462,781	29,116	433,665	459,650	25,985

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

There may be a positive impact on local government in the form of services provided for assistance in operating victim assistance programs.

  
 ROD SUNDSTED, BUDGET DIRECTOR

DATE

Office of Budget and Program Planning

  
 JOE QUILICI, PRIMARY SPONSOR

DATE

Fiscal Note for HB0798, as introduced.

HB 798

APPROVED BY COMMITTEE  
ON APPROPRIATIONS

1 HOUSE BILL NO. 798  
 2 INTRODUCED BY *Timothy J. Burkhardt*  
 3 BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE  
 4 *John Peterson*  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE CRIME

6 VICTIMS COMPENSATION ACT OF MONTANA TO ALLOW THE USE OF  
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 13 intent of the legislature of this state to provide a method  
 14 of compensating and assisting those persons within the state  
 15 who are innocent victims of criminal acts and who suffer  
 16 bodily injury or death. To this end, it is the legislature's  
 17 intention to provide compensation for injuries suffered as a  
 18 direct result of the criminal acts of other persons and to  
 19 coordinate victims' assistance programs."

20 **Section 2.** Section 53-9-104, MCA, is amended to read:  
 21 "53-9-104. Powers and duties of division. (1) The  
 22 division shall:  
 23 (a) adopt rules to implement this part;  
 24 (b) prescribe forms for applications for compensation;

1 (c) determine all matters relating to claims for  
2 compensation; and

3 (d) require any person contracting directly or  
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 6 interview, statement, book, photograph, movie, television  
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 16 of court-appointed counsel for the charged person. Each  
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 21 reimbursement for any public defender or any attorney  
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24 (2) The division may:  
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1 law enforcement officers investigations and data to enable  
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 3 claimant qualifies for compensation. A statute providing  
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6 (b) request and obtain from a health care provider  
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1 planning program."

2 **Section 3.** Section 53-9-109, MCA, is amended to read:

3 **"53-9-109. Crime victims compensation account.** There is  
 4 a crime victims compensation and assistance account in the  
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 7 except those paid to a justice's court, on all offenses  
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-End-

1  
 2 INTRODUCTION BY *House* BILL NO. *798*  
 3 *MERCER* *Pauline* *Carlene* *Beale*  
 4 BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE *Pauline*  
 5 *Pauline* *Carlene* *Beale* *Pauline* *Carlene* *Beale*  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE CRIME  
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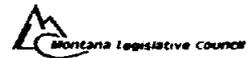
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-End-

HOUSE BILL NO. 798

INTRODUCED BY QUILICI, GAGE, PAVLOVICH, BROOKE,  
MERCER, STRIZICH, J. RICE, HALLIGAN, ZOOK,  
PETERSON, D. BROWN, FRITZ, JACOBSON,  
DAILY, STIMATZ, MENAHAN

BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

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