

Opinion No. 361.

**Crime and Criminal Procedure—
Courts—Justice of the Peace
—Fines, May Not Remit.**

HELD: A Justice of the Peace is without authority to remit a fine which has been imposed by him.

October 7, 1936.

Mr. Kenneth F. MacDonald
State Fish and Game Warden
The Capitol

You inquire as to whether or not a justice of the peace who has imposed a fine upon a party found guilty of a violation of the fish and game laws of this state, may thereafter remit such fine.

The power to remit fines which have been imposed upon one convicted of a crime is reserved to the Governor of this state, with the approval of the board of pardons, under the Constitution and laws of the state (Constitution, Article VII, Section 9; R. C. Section 12247). It has been held

generally that in states where the power to remit fines is reserved to the Governor that a court which has imposed a fine upon the defendant, may not in the absence of a special statute authorizing it, remit such fine (25 C. J. 1168). There appears to be no such statute in the State of Montana; therefore, a justice of the peace is without authority to remit a fine which has been imposed by him.

This opinion does not cover the question of suspension of jail sentences.