

VOLUME NO. 41

OPINION NO. 39

COUNTIES - Crediting fines and costs;  
COUNTY OFFICERS AND EMPLOYEES - Treasurer: crediting  
fines and costs;  
FINES - Crediting fines and costs;  
MONTANA CODE ANNOTATED - Sections 20-7-504, 20-9-  
331(2)(c), 20-9-332, 46-18-235, 46-18-603, 53-9-109.

HELD: The fines and costs collected in justice court  
and paid to the county treasurer by the  
justice of the peace should be credited to the  
county general fund pursuant to section  
46-18-235, MCA.

12 December 1985

William E. Berger  
Petroleum County Attorney  
Petroleum County Courthouse  
Winnett MT 59087

Dear Mr. Berger:

You have requested my opinion on the following question:

Whether the fines and costs collected in justice court and paid to the county treasurer by the justice of the peace should be credited to the county general fund pursuant to section 46-18-235, MCA, or to equalization of the elementary district foundation program pursuant to section 20-9-331(2)(c), MCA.

Section 46-18-603, MCA, provides that all fines and forfeitures collected in any court except city courts must be applied first to defray the costs of the case in which the fine or forfeiture arose and then deposited in the county treasury "credited as provided by law." There are other statutes which specifically provide for the payment of portions of certain fines and costs to other accounts. See, e.g., §§ 20-7-504, 20-9-332, 53-9-109, MCA. I assume your question refers to the money remaining after those specific allocations are made.

Section 20-9-331(2)(c), MCA, enacted in 1971, provides that all money in the county treasury resulting from fines or violations of law and the use of which is not otherwise specified by law shall be used for the equalization of the elementary district foundation programs of the county. Section 46-18-235, MCA, enacted in 1981, provides that the money collected by a court as a result of the imposition of fines and assessment of costs in felony or misdemeanor cases shall be paid to the county general fund of the county in which the court is held.

When the language of a statute is plain and unambiguous, the statute speaks for itself and there is nothing left to construe. Dunphy v. Anaconda Co., 151 Mont. 76, 80, 438 P.2d 660, 662 (1968). Section 20-9-331(2)(c), MCA, provides a use for money collected as fines when its use is not otherwise specified by law. Section 46-18-235, MCA, specifies another use: The fines and costs paid to the justice of the peace are to be paid to the county general fund. Funds in the county general fund are used to pay the general operating expenses of the county.

THEREFORE, IT IS MY OPINION:

The fines and costs collected in justice court and paid to the county treasurer by the justice of the

peace should be credited to the county general fund  
pursuant to section 46-18-235, MCA.

Very truly yours,

MIKE GREELY  
Attorney General