

HOUSE BILL NO. 555

Introduced: 01/28/83

Referred to Committee on Judiciary: 01/28/83

Hearing: 2/7/83

Report: 02/09/83

Bill Killed: 02/10/83

1 *House* BILL NO. *555*
 2 INTRODUCED BY *Julius Connally Manuel Lopez*
 3 *Samuel Vincent Kelly Holliday* BY REQUEST OF THE BOARD OF CRIME CONTROL *Falger*
 4

5 A BILL FOR AN ACT ENTITLED: "THE MONTANA CRIMINAL JUSTICE
 6 ASSISTANCE ACT; PROVIDING ASSISTANCE TO STATE AND LOCAL
 7 AGENCIES FOR THE FURTHERANCE AND IMPROVEMENT OF LOCAL LAW
 8 ENFORCEMENT, COURTS, CRIMINAL PROSECUTION AND DEFENSE, AND
 9 ADULT AND JUVENILE CORRECTIONS AND REHABILITATION; AND
 10 PROVIDING THAT A SURCHARGE BE IMPOSED ON PERSONS CONVICTED
 11 OF CRIMINAL OFFENSES OR FORFEITING BOND OR BAIL TO FUND THE
 12 PROGRAM."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Short title. [This act] may be cited as the
 16 "Montana Criminal Justice Assistance Act".

17 Section 2. Purpose. The purpose of [this act] is to
 18 create a special fund known as the criminal justice
 19 assistance fund and to provide assistance to local law
 20 enforcement, judicial, prosecutorial, criminal defense, and
 21 adult and juvenile correctional and rehabilitative agencies
 22 from funds derived from a surcharge to be paid by persons
 23 upon conviction of a crime and thus provide that costs be
 24 borne in part by those who necessitate the establishment and
 25 maintenance of the criminal justice system.

1 Section 3. Criminal justice assistance fund
 2 established. There is a criminal justice assistance fund
 3 within the earmarked revenue fund.

4 Section 4. Conviction surcharge. (1) Except as
 5 provided in subsection (2), there must be imposed by all
 6 courts of original jurisdiction on a defendant upon his
 7 conviction for a criminal offense or upon forfeiture of bond
 8 or bail a surcharge that is in addition to other taxable
 9 court costs, fees, or fines, as follows:

10 (a) \$10 in each misdemeanor case; and
 11 (b) the greater of \$20 or 10% of the fine levied in
 12 each felony case.

13 (2) If a convicting court determines under 46-18-231
 14 and 46-18-232 that the defendant is not able to pay the fine
 15 and costs or that he is unable to pay within a reasonable
 16 time, the court must waive payment of the surcharge.

17 (3) The surcharge imposed by this section is not a
 18 fine and may not be used in determining the jurisdiction of
 19 any court.

20 Section 5. Administration of fund. The surcharges
 21 collected under the provisions of [section 4] must be
 22 deposited with the local government finance officer or
 23 treasurer. The finance officer or treasurer shall record the
 24 amount of funds collected under [section 4] that are on
 25 deposit with him. On or before the last day of the month

1 following each calendar quarter, the finance officer or
 2 treasurer shall remit funds collected pursuant to [section
 3 4] during the preceding quarter to the state treasurer for
 4 deposit in the criminal justice assistance fund. A local
 5 government may retain 10% of funds collected under [section
 6 4]:

7 (a) one-half to be deposited in the general fund to
 8 cover costs of administering [this act]; and

9 (b) one-half to be used for training lower court
 10 judges located in the county, including justices of the
 11 peace, city judges, and municipal court judges.

12 Section 6. Appropriation of fund — reversion. (1)
 13 The legislature shall appropriate funds from the criminal
 14 justice assistance fund to the board of crime control.

15 (2) The unobligated balance of funds appropriated to
 16 the board of crime control for the preceding biennium
 17 reverts to the criminal justice assistance fund for future
 18 appropriation.

19 Section 7. Use of fund money — board duties. The
 20 board of crime control shall administer [this act] and
 21 perform the following duties:

22 (1) advise and assist the governor, the attorney
 23 general, and the legislature in developing policies, plans,
 24 programs, and proposed legislation for improving the
 25 coordination, administration, and effectiveness of the

1 criminal justice system;

2 (2) administer the criminal justice assistance fund;

3 (3) establish goals, priorities, and standards for
 4 programs and projects to improve the administration and
 5 efficiency of law enforcement, courts, prosecution, criminal
 6 defense, and adult and juvenile corrections and
 7 rehabilitation;

8 (4) award grants from the criminal justice assistance
 9 fund that will benefit local governments and address
 10 established goals, priorities, and standards in the areas
 11 described in subsection (3) and award such grants in a
 12 manner that ensures against supplanting of local funds;

13 (5) apply for, obtain, and allocate for the duties set
 14 forth in this section federal or other funds that may from
 15 time to time be made available for programs and projects
 16 that address established goals, priorities, and standards;
 17 and

18 (6) perform such other functions as may be necessary
 19 to carry out the duties enumerated in this section and adopt
 20 such rules as may be necessary for the administration of
 21 [this act].

-End-

STATE OF MONTANA

REQUEST NO. 278-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 31, 19 83, there is hereby submitted a Fiscal Note for House Bill 555 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 555 is entitled "The Montana Criminal Justice Assistance Act which provides assistance to state and local agencies for the furtherance and improvement of local law enforcement, courts, criminal prosecution and defense, and adult and juvenile corrections and rehabilitation and provides that a surcharge be imposed on persons convicted of criminal offenses or forfeiting bond or bail to fund the program.

ASSUMPTIONS:

- 1) Surcharge collection based on 1981 court data.
- 2) Assumes a 10% yearly increase in collections.
- 3) Assumes all collections would be passed back in the form of grants for the benefit of local justice system agencies.
- 4) Assumes the Board of Crime Control would administer the program with the addition of one F.T.E. Position #41 Accounting Specialist II Grade 12 Step 6. (This position was deleted from the current level budget for FY 84 and FY 85).

FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>
Salary and Benefits		
Grade 12 Step 6	<u>\$ 22,183</u>	<u>\$ 22,183</u>

This cost could either be borne by the general fund or the criminal justice assistance fund.

LOCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>
Revenue:		
Surcharge	\$ 1,200,000	\$ 1,320,000
Expenditures:		
Collection Fees	\$ 120,000	\$ 132,000
Grants	<u>1,080,000</u>	<u>1,188,000</u>
TOTAL	<u>\$ 1,200,000</u>	<u>\$ 1,320,000</u>

FISCAL NOTE 10:G/1

David M. Lee

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-2-83