

HOUSE JOINT RESOLUTION NO. 45

INTRODUCED BY CONNELLY, B. BROWN, FRITZ, KADAS, D. BROWN,  
NELSON, J. HAMMOND, J. BROWN, HARP, BACHINI, KRUEGER,  
O'HARA, PISTORIA

IN THE HOUSE

March 21, 1985	Introduced and referred to Committee on Judiciary.
March 27, 1985	Committee recommend bill do pass as amended. Report adopted.
March 28, 1985	Bill printed and placed on members' desks.
March 30, 1985	Motion pass consideration until 71st Legislative Day.
April 9, 1985	Second reading, do pass.
April 10, 1985	Considered correctly engrossed.
April 11, 1985	Third reading, passed.  Transmitted to Senate.

IN THE SENATE

April 15, 1985	Introduced and referred to Committee on Judiciary.
April 19, 1985	Committee recommend bill be concurrent in. Report adopted.
April 22, 1985	Second reading, concurred in.
April 23, 1985	Third reading, concurred in. Ayes, 39; Noes, 10.  Returned to House.

IN THE HOUSE

April 23, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1                    HOUSE JOINT RESOLUTION NO. 45  
 2    INTRODUCED BY Connally Rob. Brown Fitch Nedao Don Brown  
 3    Nelson J. Johnson Harp Buchin KRUEGER Allyn  
 4    A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF Astoria  
 5    REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN  
 6    INTERIM STUDY OF THE LAWS RELATING TO THE COLLECTION AND  
 7    DISPOSITION OF FINES, FORFEITURES, COSTS, AND FEES IN CIVIL  
 8    PENALTY AND CRIMINAL PROCEEDINGS.

9  
 10        WHEREAS, the law relating to the collection and  
 11        disposition of fines, forfeitures, costs, and fees in civil  
 12        penalty and criminal proceedings is complex, in many  
 13        instances unclear or contradictory, and dispersed throughout  
 14        the Montana Code Annotated; and

15        WHEREAS, the authority to impose, collect, and dispose  
 16        of fines, forfeitures, costs, and fees resides in numerous  
 17        types of courts and government agencies; and

18        WHEREAS, the disposition and use of fines, forfeitures,  
 19        costs, and fees varies widely according to, among other  
 20        things, the political subdivision in which the offense  
 21        occurs, the type of offense, the type of law enforcement  
 22        officer who arrests the person, the court or agency imposing  
 23        the fine, forfeiture, cost, or fee, and whether the offender  
 24        is an adult or a juvenile; and

25        WHEREAS, there is no coherent, coordinated, overall

1    plan for the disposition and use of fines, forfeitures,  
 2    costs, and fees.

3  
 4    NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
 5    OF REPRESENTATIVES OF THE STATE OF MONTANA:

6            (1) That an appropriate interim committee be assigned  
 7            to study the laws relating to the structure, imposition,  
 8            collection, disposition, and use of fines, forfeitures,  
 9            costs, and fees in civil penalty and criminal proceedings.

10           (2) That if the study is not assigned to an interim  
 11           committee, the Legislative Council should consider directing  
 12           its staff to carry out the technical components of the study  
 13           and report to the Council the staff's findings, with  
 14           suggested alternative solutions, so that the Legislative  
 15           Council can, following any changes in and additions to the  
 16           staff study report that the Council may wish to make, submit  
 17           the report to the 50th Legislature, since:

18           (a) because of the cost of interim studies,  
 19           principally for legislators' per diem and expenses, only a  
 20           limited number of requested interim studies can be funded;

21           (b) the vast majority of work on the study will  
 22           consist of gathering information, searching the Montana Code  
 23           Annotated, and presenting information in a readily  
 24           understandable form, tasks the Legislative Council staff can  
 25           perform without the necessity of aid from the Legislative



-2-                    **INTRODUCED BILL**  
    **HJR 45**

1 Council;

2 (c) the study can be performed without hearings,  
3 though the Legislative Council may, upon completion of the  
4 staff report, wish to hold a hearing during one of its  
5 regular meetings to consider and develop alternative  
6 solutions and make suggestions to the 50th Legislature; and

7 (d) the study can thus be performed by the Legislative  
8 Council at minimal cost.

9 (3) That the study should include at least the  
10 following:

11 (a) an identification of every provision of the  
12 Montana Code Annotated that provides for fines, forfeitures,  
13 costs, or fees in either a civil penalty or criminal  
14 proceeding;

15 (b) an identification and analysis of the various  
16 methods used to determine the ultimate disposition of the  
17 money;

18 (c) an analysis of the costs and administrative  
19 problems involved in handling the money and remitting it to  
20 the proper agencies;

21 (d) an analysis of the policy decisions made when the  
22 statutes allocating the money were adopted;

23 (e) the problems involved in not disposing of the  
24 money pursuant to an overall plan encompassing all  
25 provisions relating to its disposal; and

1 (f) an unbiased set of alternative solutions to the  
2 present complex and unintegrated system for the disposition  
3 of the money.

4 (4) That the committee (or the Legislative Council)  
5 submit a report of its findings, alternative solutions, and  
6 any recommendations it wishes to make to the 50th  
7 Legislature.

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

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10 PENALTY AND CRIMINAL PROCEEDINGS.  
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12 WHEREAS, the law relating to the collection and  
13 disposition of fines, forfeitures, costs, and fees in civil  
14 penalty and criminal proceedings is complex, in many  
15 instances unclear or contradictory, and dispersed throughout  
16 the Montana Code Annotated; and

17 WHEREAS, the authority to impose, collect, and dispose  
18 of fines, forfeitures, costs, and fees resides in numerous  
19 types of courts and government agencies; and

20 WHEREAS, the disposition and use of fines, forfeitures,  
21 costs, and fees varies widely according to, among other  
22 things, the political subdivision in which the offense  
23 occurs, the type of offense, the type of law enforcement  
24 officer who arrests the person, the court or agency imposing  
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1 is an adult or a juvenile; and  
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8 (1) That an appropriate interim committee be assigned  
9 to study the laws relating to the structure, imposition,  
10 collection, disposition, and use of fines, forfeitures,  
11 costs, and fees in civil penalty and criminal proceedings.

12 ~~{2}--That--if--the--study-is-not-assigned-to-an-interim  
13 committee,--the--Legislative--Council--should--consider--directing  
14 its--staff--to--carry--out--the--technical--components--of--the--study  
15 and--report--to--the--Council--the--staff's--findings,--with  
16 suggested--alternative--solutions,--so--that--the--Legislative  
17 Council--can,--following--any--changes--in--and--additions--to--the  
18 staff--study--report--that--the--Council--may--wish--to--make,--submit  
19 the--report--to--the--50th--Legislature,--since:~~

20 ~~{a}--because--of--the--cost--of--interim--studies,  
21 principally--for--legislators'--per--diem--and--expenses,--only--a  
22 limited--number--of--requested--interim--studies--can--be--funded;~~

23 ~~{b}--the--vast--majority--of--work--on--the--study--will  
24 consist--of--gathering--information,--searching--the--Montana--Code  
25 Annotated,--and--presenting--information--in--a--readily~~



1 understandable form; tasks the legislative council staff can  
2 perform without the necessity of aid from the legislative  
3 council;

4 (c) the study can be performed without hearings,  
5 though the legislative council may, upon completion of the  
6 staff report, wish to hold a hearing during one of its  
7 regular meetings to consider and develop alternative  
8 solutions and make suggestions to the 50th legislature; and

9 (d) the study can thus be performed by the legislative  
10 council at minimal cost.

11 (3)(2) That the study should include at least the  
12 following:

13 (a) an identification of every provision of the  
14 Montana Code Annotated that provides for fines, forfeitures,  
15 costs, or fees in either a civil penalty or criminal  
16 proceeding;

17 (b) an identification and analysis of the various  
18 methods used to determine the ultimate disposition of the  
19 money;

20 (c) an analysis of the costs and administrative  
21 problems involved in handling the money and remitting it to  
22 the proper agencies;

23 (d) an analysis of the policy decisions made when the  
24 statutes allocating the money were adopted;

25 (e) the problems involved in not disposing of the

1 money pursuant to an overall plan encompassing all  
2 provisions relating to its disposal; and

3 (f) an unbiased set of alternative solutions to the  
4 present complex and unintegrated system for the disposition  
5 of the money.

6 (4)(3) That the committee for the legislative council  
7 submit a report of its findings, alternative solutions, and  
8 any recommendations it wishes to make to the 50th  
9 legislature.

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