

SENATE BILL NO. 7

INTRODUCED BY VAN VALKENBURG

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

IN THE SENATE

June 18, 1986	Introduced and referred to Committee on Judiciary.
June 20, 1986	Committee recommend bill do pass as amended. Report adopted.
June 21, 1986	Bill printed and placed on members' desks.
	Second reading, do pass as amended.
	Third reading, passed. Ayes, 42; Noes, 8.
	Transmitted to House.

IN THE HOUSE

June 21, 1986	Introduced and referred to Committee on Judiciary.
June 24, 1986	Committee recommend bill be concurrent in. Report adopted.
June 25, 1986	Second reading, concurred in.
	Third reading, concurred in.
	Returned to Senate.

IN THE SENATE

June 25, 1986	Received from House.
	Sent to enrolling.
	Reported correctly enrolled.

BILL NO. 7

INTRODUCED BY Sen. Volkening
BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DISTRIBUTION OF THE CHARGE IMPOSED ON A PERSON CONVICTED OF A CRIMINAL OFFENSE OR WHO FORFEITS BOND OR BAIL; MAKING DEPUTY COUNTY ATTORNEYS' SALARIES PAYABLE FROM COUNTY FUNDS; AMENDING SECTIONS 7-4-2502 AND 46-18-236, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-4-2502, MCA, is amended to read:

"7-4-2502. Payment of salaries of county officials and assistants. (1) Except as provided in subsection (2), the salaries of the county officers and their assistants may be paid monthly, twice monthly, or every 2 weeks out of the general fund of the county and upon the order of the board of county commissioners.

(2) (a) The salaries of the county attorney and deputy county attorneys authorized by 7-4-2703 are payable monthly, with the ~~salaries~~ salary of the county attorney ~~and no more than two deputies~~ payable one-half from the general fund of the county and the other one-half from the state treasury upon the warrant of the state auditor. ~~Such salaries for~~

~~the deputy county attorneys include the longevity increases provided by 7-4-2503(3)(d).~~

(b) The county commissioners of each county shall, within 30 days after the election or appointment to fill a vacancy for any cause in the office of county attorney or ~~within 30 days after the appointment of a deputy county attorney authorized by 7-4-2703~~, certify the election or appointment to the state auditor, who shall thereafter draw warrants for such salary in the same manner as for state officers. In case of a vacancy, the county commissioners shall immediately notify the state auditor, and the auditor shall compute the salary due on the basis of the notification.

(3) The board has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to fix the compensation of all county officers not otherwise fixed by law and to provide for the payment of the same."

Section 2. Section 46-18-236, MCA, is amended to read:

"46-18-236. Imposition of charge upon conviction or forfeiture -- administration. (1) Except as provided in subsection (2), there must be imposed by all courts of original jurisdiction on a defendant upon his conviction for any conduct made criminal by state statute or upon forfeiture of bond or bail a charge that is in addition to other taxable court costs, fees, or fines, as follows:

(a) \$10 in each misdemeanor case; and

(b) the greater of \$20 or 10% of the fine levied in each felony case.

(2) If a convicting court determines under 46-18-231 and 46-18-232 that the defendant is not able to pay the fine and costs or that he is unable to pay within a reasonable time, the court must waive payment of the charge imposed by this section.

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

(4) The total of the charge imposed by this section and any fine assessed may not exceed the maximum fine authorized by law for the offense.

(5) The charges collected under subsection (1) must be deposited with the appropriate local government finance officer or treasurer. If a city municipal court or city or town court is the court of original jurisdiction, the charges collected under subsection (1) must be deposited with the city or town finance officer or treasurer. If a justice's court or district court is the court of original jurisdiction, the charges collected under subsection (1) must be deposited with the county finance officer or treasurer.

(6) On--or--before--the--10th--day--of--each--month,--the

~~county-finance-officer-or-treasurer-shall-remit-to-the-state treasurer-for-deposit-to-the-state-general-fund-\$10-for-each misdemeanor-case-and-the-greater-of-\$20-or-10%-of--the--fine levied-in-each-felony-case.-A-county-may-retain-up-to-10%-of the--funds-remitted-to-the-state-treasurer-to-cover-only-the costs-of-administering-this--section. (a) A city or town finance officer or treasurer may retain the charges collected under subsection (1) by a city municipal court or a city or town court and may use that money for the payment of salaries of the city or town attorney and his deputies. (b) Each county finance officer or treasurer may retain the charges collected under subsection (1) by district or justices' courts for crimes committed or alleged to have been committed within that county. The county finance officer or treasurer shall use the money for the payment of salaries of its deputy county attorneys, or if the county has no deputy county attorneys, for the payment of other salaries."~~

NEW SECTION. Section 3. Effective date. This act is effective July 1, 1986.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB007, as introduced.

Description of Proposed Legislation:

SB007 is an act revising the distribution of the charge imposed on a person convicted of a criminal offense or who forfeits bond or bail; making deputy county attorneys' salaries payable from county funds; amending sections 7-4-2502 and 46-18-236 MCA; and providing an effective date.

Assumptions:

1. The revenue estimate is taken from the Revenue Estimating Advisory Council published in May 1986.
2. The expenditure estimate is based on the actual FY86 payroll for deputy county attorneys (including benefits), and includes a 2.5% pay raise for FY87 salaries.

Fiscal Impact:

	Current <u>Law</u>	FY87 Proposed <u>Law</u>	<u>Difference</u>
Expenditures			
General Fund	\$721,165	\$ -0-	(\$ 721,165)
Revenue			
General Fund	142,000	-0-	(142,000)
Reduced General Fund Expenditures			<u>(\$ 579,165)</u>

Affect on County or Other Local Revenue or Expenditures:

	Current <u>Law</u>	FY87 Proposed <u>Law</u>	<u>Difference</u>
Expenditures			
General Fund	\$721,165	\$1,442,330	\$ 721,165*
Revenue			
General Fund	-0-	142,000	<u>142,000**</u>

Net Impact on County General Fund (Maximum) \$ 579,165

*Legislation being considered by the June Special Session to freeze the salaries of local officials including deputy county attorneys would reduce the cost to local government.

David L. Hunter 6/20/86
BUDGET DIRECTOR DATE

Office of Budget and Program Planning

Ed Va. Valkenburg 6/23/86
PRIMARY SPONSOR DATE

Fiscal Note for SB007 as introduced.

Fiscal Note Request SB007 as introduced
Form BD-15 page 2
(continued)

**FY87 revenues will probably exceed \$142,000. The revenue estimate developed by the Revenue Estimating Advisory Council was based on data through March, 1986. April collections of fines and surcharges was higher than historic monthly calculations and if fine collections were to continue at that level, annual revenues would be higher than \$142,000.

SB007 transfers payment of the state share of deputy county attorneys' salaries and benefits to counties and transfers retention of revenues from fines and surcharges imposed on convicted defendants from the state to the counties.

Long-Range Effects of Proposed Legislation:

The Long-Range effects of SB7 will depend on salary levels approved by county commissioners and collections of fines and surcharges by District Court Judges and Justices of the Peace.

Technical or Mechanical Defects in Proposed Legislation or Conflicts With Existing Legislation:

None noted.

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 7

INTRODUCED BY VAN VALKENBURG

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE
DISTRIBUTION OF THE CHARGE IMPOSED ON A PERSON CONVICTED OF
A CRIMINAL OFFENSE OR WHO FORFEITS BOND OR BAIL; MAKING
DEPUTY COUNTY ATTORNEYS' SALARIES PAYABLE FROM COUNTY FUNDS;
AMENDING SECTIONS 7-4-2502, 46-9-301, AND 46-18-236, MCA;
AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-4-2502, MCA, is amended to read:

"7-4-2502. Payment of salaries of county officials and
assistants. (1) Except as provided in subsection (2), the
salaries of the county officers and their assistants may be
paid monthly, twice monthly, or every 2 weeks out of the
general fund of the county and upon the order of the board
of county commissioners.

(2) (a) The salaries of the county attorney and deputy
county attorneys authorized by 7-4-2703 are payable monthly,
with the ~~salaries~~ salary of the county attorney ~~and no more~~
~~than two deputies~~ payable one-half from the general fund of
the county and the other one-half from the state treasury
upon the warrant of the state auditor. ~~Such--salaries--for~~

~~the--deputy-county-attorneys-include-the-longevity-increases~~
~~provided-by-7-4-2503(d).~~

(b) The county commissioners of each county shall,
within 30 days after the election or appointment to fill a
vacancy for any cause in the office of county attorney ~~or~~
~~within--30--days--after--the--appointment-of-a-deputy-county~~
~~attorney-authorized-by-7-4-2703~~, certify the election or
appointment to the state auditor, who shall thereafter draw
warrants for such salary in the same manner as for state
officers. In case of a vacancy, the county commissioners
shall immediately notify the state auditor, and the auditor
shall compute the salary due on the basis of the
notification.

(3) The board has jurisdiction and power, under such
limitations and restrictions as are prescribed by law, to
fix the compensation of all county officers not otherwise
fixed by law and to provide for the payment of the same."

SECTION 2. SECTION 46-9-301, MCA, IS AMENDED TO READ:

"46-9-301. Determining the amount of bail. In all
cases that bail is determined to be necessary, bail must be
reasonable in amount and the amount shall be:

(1) sufficient to ensure the presence of the defendant
in a pending criminal proceeding;

(2) sufficient to assure compliance with the
conditions set forth in the bail;

SECOND READING

(3) sufficient to protect any person from bodily injury;

(4) not oppressive;

(5) commensurate with the nature of the offense charged;

(6) considerate of the financial ability of the accused;

(7) considerate of the defendant's prior record;

(8) considerate of the length of time the defendant has resided in the community and of his ties to the community;

(9) considerate of the defendant's family relationships and ties; and

(10) considerate of the defendant's employment status; and

(11) sufficient to include the charge imposed in 46-18-236."

Section 3. Section 46-18-236, MCA, is amended to read:

"46-18-236. Imposition of charge upon conviction or forfeiture -- administration. (1) Except as provided in subsection (2), there must be imposed by all courts of original jurisdiction on a defendant upon his conviction for any conduct made criminal by state statute or upon forfeiture of bond or bail a charge that is in addition to other taxable court costs, fees, or fines, as follows:

(a) \$10 in FOR each misdemeanor case CHARGE; and

(b) the greater of \$20 or 10% of the fine levied in FOR each felony case CHARGE.

(2) If a convicting court determines under 46-18-231 and 46-18-232 that the defendant is not able to pay the fine and costs or that he is unable to pay within a reasonable time, the court must waive payment of the charge imposed by this section.

(3) The charge imposed by this section is not a fine AND MUST BE IMPOSED IN ADDITION TO ANY FINE and may not be used in determining the jurisdiction of any court.

~~(4) The total of the charge imposed by this section and any fine assessed may not exceed the maximum fine authorized by law for the offense.~~

(4) WHEN THE PAYMENT OF A FINE IS TO BE MADE IN INSTALLMENTS OVER A PERIOD OF TIME, THE CHARGE IMPOSED BY THIS SECTION MUST BE COLLECTED FROM THE FIRST PAYMENT MADE AND EACH SUBSEQUENT PAYMENT AS NECESSARY IF THE FIRST PAYMENT IS NOT SUFFICIENT TO COVER THE CHARGE.

(5) The charges collected under subsection (1) must be deposited with the appropriate local government finance officer or treasurer. If a city municipal court or city or town court is the court of original jurisdiction, the charges collected under subsection (1) must be deposited with the city or town finance officer or treasurer. If a

1 justice's court or district court is the court of original
 2 jurisdiction, the charges collected under subsection (1)
 3 must be deposited with the county finance officer or
 4 treasurer. IF THE COURT OF ORIGINAL JURISDICTION IS A COURT
 5 WITHIN A CONSOLIDATED CITY-COUNTY GOVERNMENT WITHIN THE
 6 MEANING OF TITLE 7, CHAPTER 3, THE CHARGES COLLECTED UNDER
 7 SUBSECTION (1) MUST BE DEPOSITED WITH THE FINANCE OFFICER OR
 8 TREASURER OF THE CONSOLIDATED GOVERNMENT.

9 (6) ~~On or before the 10th day of each month, the~~
 10 ~~county finance officer or treasurer shall remit to the state~~
 11 ~~treasurer for deposit to the state general fund \$10 for each~~
 12 ~~misdemeanor case and the greater of \$20 or 10% of the fine~~
 13 ~~levied in each felony case. A county may retain up to 10% of~~
 14 ~~the funds remitted to the state treasurer to cover only the~~
 15 ~~costs of administering this section.~~ (a) A city or town
 16 finance officer or treasurer may retain the charges
 17 collected under subsection (1) by a city municipal court or
 18 a city or town court and may use that money for the payment
 19 of salaries of the city or town attorney and his deputies.

20 (b) Each county finance officer or treasurer may
 21 retain the charges collected under subsection (1) by
 22 district or justices' courts for crimes committed or alleged
 23 to have been committed within that county. The county
 24 finance officer or treasurer shall use the money for the
 25 payment of salaries of its deputy county attorneys~~or if the~~

1 ~~the county has no deputy county attorneys~~ AND for the
 2 payment of other salaries IN THE OFFICE OF THE COUNTY
 3 ATTORNEY."

4 NEW SECTION. Section 4. Effective date. This act is
 5 effective July 1, 1986.

-End-

SENATE BILL NO. 7

INTRODUCED BY VAN VALKENBURG

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DISTRIBUTION OF THE CHARGE IMPOSED ON A PERSON CONVICTED OF A CRIMINAL OFFENSE OR WHO FORFEITS BOND OR BAIL; MAKING DEPUTY COUNTY ATTORNEYS' SALARIES PAYABLE FROM COUNTY FUNDS; AMENDING SECTIONS 7-4-2502, 46-9-301, AND 46-18-236, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-4-2502, MCA, is amended to read:

"7-4-2502. Payment of salaries of county officials and assistants. (1) Except as provided in subsection (2), the salaries of the county officers and their assistants may be paid monthly, twice monthly, or every 2 weeks out of the general fund of the county and upon the order of the board of county commissioners.

(2) (a) The salaries of the county attorney and deputy county attorneys authorized by 7-4-2703 are payable monthly, with the salaries salary of the county attorney and no more than two deputies payable one-half from the general fund of the county and the other one-half from the state treasury upon the warrant of the state auditor. Such--salaries--for

~~the--deputy-county-attorneys-include-the-longevity-increases provided-by-7-4-2503(d)-~~

(b) The county commissioners of each county shall, within 30 days after the election or appointment to fill a vacancy for any cause in the office of county attorney or ~~within--30--days--after--the--appointment-of-a-deputy-county~~ attorney ~~authorized-by-7-4-2703~~, certify the election or appointment to the state auditor, who shall thereafter draw warrants for such salary in the same manner as for state officers. In case of a vacancy, the county commissioners shall immediately notify the state auditor, and the auditor shall compute the salary due on the basis of the notification.

(3) The board has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to fix the compensation of all county officers not otherwise fixed by law and to provide for the payment of the same."

SECTION 2. SECTION 46-9-301, MCA, IS AMENDED TO READ:

"46-9-301. Determining the amount of bail. In all cases that bail is determined to be necessary, bail must be reasonable in amount and the amount shall be:

(1) sufficient to ensure the presence of the defendant in a pending criminal proceeding;

(2) sufficient to assure compliance with the conditions set forth in the bail;

THIRD READING
SB 7

- 1 (3) sufficient to protect any person from bodily
 2 injury;
 3 (4) not oppressive;
 4 (5) commensurate with the nature of the offense
 5 charged;
 6 (6) considerate of the financial ability of the
 7 accused;
 8 (7) considerate of the defendant's prior record;
 9 (8) considerate of the length of time the defendant
 10 has resided in the community and of his ties to the
 11 community;
 12 (9) considerate of the defendant's family
 13 relationships and ties; and
 14 (10) considerate of the defendant's employment status;
 15 and
 16 (11) sufficient to include the charge imposed in
 17 46-18-236."

18 Section 3. Section 46-18-236, MCA, is amended to read:
 19 "46-18-236. Imposition of charge upon conviction or
 20 forfeiture -- administration. (1) Except as provided in
 21 subsection (2), there must be imposed by all courts of
 22 original jurisdiction on a defendant upon his conviction for
 23 any conduct made criminal by state statute or upon
 24 forfeiture of bond or bail a charge that is in addition to
 25 other taxable court costs, fees, or fines, as follows:

- 1 (a) \$10 in FOR each misdemeanor case CHARGE; and
 2 (b) the greater of \$20 or 10% of the fine levied in
 3 FOR each felony case CHARGE.
 4 (2) If a convicting court determines under 46-18-231
 5 and 46-18-232 that the defendant is not able to pay the fine
 6 and costs or that he is unable to pay within a reasonable
 7 time, the court must waive payment of the charge imposed by
 8 this section.
 9 (3) The charge imposed by this section is not a fine
 10 AND MUST BE IMPOSED IN ADDITION TO ANY FINE and may not be
 11 used in determining the jurisdiction of any court.
 12 ~~(4) The total of the charge imposed by this section~~
 13 ~~and any fine assessed may not exceed the maximum fine~~
 14 ~~authorized by law for the offense.~~
 15 (4) WHEN THE PAYMENT OF A FINE IS TO BE MADE IN
 16 INSTALLMENTS OVER A PERIOD OF TIME, THE CHARGE IMPOSED BY
 17 THIS SECTION MUST BE COLLECTED FROM THE FIRST PAYMENT MADE
 18 AND EACH SUBSEQUENT PAYMENT AS NECESSARY IF THE FIRST
 19 PAYMENT IS NOT SUFFICIENT TO COVER THE CHARGE.
 20 (5) The charges collected under subsection (1) must be
 21 deposited with the appropriate local government finance
 22 officer or treasurer. If a city municipal court or city or
 23 town court is the court of original jurisdiction, the
 24 charges collected under subsection (1) must be deposited
 25 with the city or town finance officer or treasurer. If a

1 justice's court or district court is the court of original
 2 jurisdiction, the charges collected under subsection (1)
 3 must be deposited with the county finance officer or
 4 treasurer. IF THE COURT OF ORIGINAL JURISDICTION IS A COURT
 5 WITHIN A CONSOLIDATED CITY-COUNTY GOVERNMENT WITHIN THE
 6 MEANING OF TITLE 7, CHAPTER 3, THE CHARGES COLLECTED UNDER
 7 SUBSECTION (1) MUST BE DEPOSITED WITH THE FINANCE OFFICER OR
 8 TREASURER OF THE CONSOLIDATED GOVERNMENT.

9 (6) ~~On or before the 10th day of each month, the~~
 10 ~~county finance officer or treasurer shall remit to the state~~
 11 ~~treasurer for deposit to the state general fund \$10 for each~~
 12 ~~misdemeanor case and the greater of \$20 or 10% of the fine~~
 13 ~~levied in each felony case. A county may retain up to 10% of~~
 14 ~~the funds remitted to the state treasurer to cover only the~~
 15 ~~costs of administering this section.~~ (a) A city or town
 16 finance officer or treasurer may retain the charges
 17 collected under subsection (1) by a city municipal court or
 18 a city or town court and may use that money for the payment
 19 of salaries of the city or town attorney and his deputies.

20 (b) Each county finance officer or treasurer may
 21 retain the charges collected under subsection (1) by
 22 district or justices' courts for crimes committed or alleged
 23 to have been committed within that county. The county
 24 finance officer or treasurer shall use the money for the
 25 payment of salaries of its deputy county attorneys, or if

1 the county has no deputy county attorneys, AND for the
 2 payment of other salaries IN THE OFFICE OF THE COUNTY
 3 ATTORNEY, AND ANY FUNDS NOT NEEDED FOR SUCH SALARIES MAY BE
 4 USED FOR THE PAYMENT OF ANY OTHER COUNTY SALARIES."

5 NEW SECTION. Section 4. Effective date. This act is
 6 effective July 1, 1986.

-End-

SENATE BILL NO. 7

INTRODUCED BY VAN VALKENBURG

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DISTRIBUTION OF THE CHARGE IMPOSED ON A PERSON CONVICTED OF A CRIMINAL OFFENSE OR WHO FORFEITS BOND OR BAIL; MAKING DEPUTY COUNTY ATTORNEYS' SALARIES PAYABLE FROM COUNTY FUNDS; AMENDING SECTIONS 7-4-2502, 46-9-301, AND 46-18-236, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-4-2502, MCA, is amended to read:

"7-4-2502. Payment of salaries of county officials and assistants. (1) Except as provided in subsection (2), the salaries of the county officers and their assistants may be paid monthly, twice monthly, or every 2 weeks out of the general fund of the county and upon the order of the board of county commissioners.

(2) (a) The salaries of the county attorney and deputy county attorneys authorized by 7-4-2703 are payable monthly, with the salaries salary of the county attorney ~~and no more than two deputies~~ payable one-half from the general fund of the county and the other one-half from the state treasury upon the warrant of the state auditor. ~~Such salaries for~~

~~the deputy county attorneys include the longevity increases provided by 7-4-2503(d).~~

(b) The county commissioners of each county shall, within 30 days after the election or appointment to fill a vacancy for any cause in the office of county attorney or ~~within 30 days after the appointment of a deputy county attorney authorized by 7-4-2703~~, certify the election or appointment to the state auditor, who shall thereafter draw warrants for such salary in the same manner as for state officers. In case of a vacancy, the county commissioners shall immediately notify the state auditor, and the auditor shall compute the salary due on the basis of the notification.

(3) The board has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to fix the compensation of all county officers not otherwise fixed by law and to provide for the payment of the same."

SECTION 2. SECTION 46-9-301, MCA, IS AMENDED TO READ:

"46-9-301. Determining the amount of bail. In all cases that bail is determined to be necessary, bail must be reasonable in amount and the amount shall be:

(1) sufficient to ensure the presence of the defendant in a pending criminal proceeding;

(2) sufficient to assure compliance with the conditions set forth in the bail;

REFERENCE BILL

SB 7

1 (3) sufficient to protect any person from bodily
 2 injury;
 3 (4) not oppressive;
 4 (5) commensurate with the nature of the offense
 5 charged;
 6 (6) considerate of the financial ability of the
 7 accused;
 8 (7) considerate of the defendant's prior record;
 9 (8) considerate of the length of time the defendant
 10 has resided in the community and of his ties to the
 11 community;
 12 (9) considerate of the defendant's family
 13 relationships and ties; and
 14 (10) considerate of the defendant's employment status;
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 16 (11) sufficient to include the charge imposed in
 17 46-18-236."

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 19 "46-18-236. Imposition of charge upon conviction or
 20 forfeiture -- administration. (1) Except as provided in
 21 subsection (2), there must be imposed by all courts of
 22 original jurisdiction on a defendant upon his conviction for
 23 any conduct made criminal by state statute or upon
 24 forfeiture of bond or bail a charge that is in addition to
 25 other taxable court costs, fees, or fines, as follows:

1 (a) \$10 in FOR each misdemeanor case CHARGE; and
 2 (b) the greater of \$20 or 10% of the fine levied in
 3 FOR each felony case CHARGE.
 4 (2) If a convicting court determines under 46-18-231
 5 and 46-18-232 that the defendant is not able to pay the fine
 6 and costs or that he is unable to pay within a reasonable
 7 time, the court must waive payment of the charge imposed by
 8 this section.
 9 (3) The charge imposed by this section is not a fine
 10 AND MUST BE IMPOSED IN ADDITION TO ANY FINE and may not be
 11 used in determining the jurisdiction of any court.
 12 ~~(4) The total of the charge imposed by this section~~
 13 ~~and any fine assessed may not exceed the maximum fine~~
 14 ~~authorized by law for the offense.~~
 15 (4) WHEN THE PAYMENT OF A FINE IS TO BE MADE IN
 16 INSTALLMENTS OVER A PERIOD OF TIME, THE CHARGE IMPOSED BY
 17 THIS SECTION MUST BE COLLECTED FROM THE FIRST PAYMENT MADE
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 19 PAYMENT IS NOT SUFFICIENT TO COVER THE CHARGE.
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 22 officer or treasurer. If a city municipal court or city or
 23 town court is the court of original jurisdiction, the
 24 charges collected under subsection (1) must be deposited
 25 with the city or town finance officer or treasurer. If a

1 justice's court or district court is the court of original
 2 jurisdiction, the charges collected under subsection (1)
 3 must be deposited with the county finance officer or
 4 treasurer. IF THE COURT OF ORIGINAL JURISDICTION IS A COURT
 5 WITHIN A CONSOLIDATED CITY-COUNTY GOVERNMENT WITHIN THE
 6 MEANING OF TITLE 7, CHAPTER 3, THE CHARGES COLLECTED UNDER
 7 SUBSECTION (1) MUST BE DEPOSITED WITH THE FINANCE OFFICER OR
 8 TREASURER OF THE CONSOLIDATED GOVERNMENT.

9 (6) ~~On or before the 10th day of each month, the~~
 10 ~~county finance officer or treasurer shall remit to the state~~
 11 ~~treasurer for deposit to the state general fund \$10 for each~~
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 15 ~~costs of administering this section. (a) A city or town~~
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 17 collected under subsection (1) by a city municipal court or
 18 a city or town court and may use that money for the payment
 19 of salaries of the city or town attorney and his deputies.

20 (b) Each county finance officer or treasurer may
 21 retain the charges collected under subsection (1) by
 22 district or justices' courts for crimes committed or alleged
 23 to have been committed within that county. The county
 24 finance officer or treasurer shall use the money for the
 25 payment of salaries of its deputy county attorneys~~for if the~~

1 county has no deputy county attorneys, AND for the payment
 2 of other salaries IN THE OFFICE OF THE COUNTY ATTORNEY, AND
 3 ANY FUNDS NOT NEEDED FOR SUCH SALARIES MAY BE USED FOR THE
 4 PAYMENT OF ANY OTHER COUNTY SALARIES."

5 NEW SECTION. Section 4. Effective date. This act is
 6 effective July 1, 1986.

-End-