

HB 192 INTRODUCED BY COBB  
PORTION OF FINE FOR PROPERTY TRESPASS ALLOCATED TO  
PROPERTY OWNER

1/14 INTRODUCED  
1/14 REFERRED TO JUDICIARY  
1/14 FISCAL NOTE REQUESTED  
1/20 HEARING  
1/20 FISCAL NOTE RECEIVED  
2/23 TABLED IN COMMITTEE

1 HB BILL NO. 192  
2 INTRODUCED BY Cdb

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOCATE ONE-HALF  
5 THE FINE FOR THE OFFENSES OF CRIMINAL TRESPASS TO PROPERTY  
6 AND HUNTING ON PRIVATE PROPERTY WITHOUT PERMISSION TO THE  
7 OWNER OF THE PROPERTY; AND AMENDING SECTION 46-18-235, MCA."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 46-18-235, MCA, is amended to read:

11 "46-18-235. Disposition of money collected as fines  
12 and costs. The money collected by a court as a result of the  
13 imposition of fines or assessment of costs under the  
14 provisions of 46-18-231 and 46-18-232 shall be paid to the  
15 county general fund of the county in which the court is  
16 held, except that:

17 (1) if the costs assessed include any district court  
18 expense listed in 3-5-901, the money collected from  
19 assessment of these costs must be paid to the department of  
20 commerce for deposit into the state general fund to the  
21 extent the expenses were paid by the state; and

22 (2) if the fine was imposed for a violation of Title  
23 45, chapter 9, the court may order the money paid into the  
24 drug forfeiture fund maintained under 44-12-206 for the law  
25 enforcement agency which made the arrest from which the

1 conviction and fine arose; and  
2 (3) if the fine was imposed for a violation of  
3 45-6-203 or 87-3-304, one-half the amount of the fine must  
4 be paid as restitution to the owner of the property on which  
5 the offense occurred."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB192, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill provides for the allocation of one half of any fines collected for trespass and hunting big game animals on private property without permission, to the owner of the property.

ASSUMPTIONS:

1. Estimates are based upon a three year average of the number of hunting without permission and trespass citations issued by the Department of Fish, Wildlife and Parks' wardens. We cannot estimate the number of trespass citations issued by sheriff and police officers.
2. It is estimated that 1/4 of the citations issued do not result in a collected fine.
3. It is estimated that trespass and hunting without permission complaints will double with the passage of this bill, because there will be more incentive for landowners to file complaints.
4. It is estimated that one half of complaints responded to result in the issuance of a citation. Each complaint involves 2 hours of a warden's time and 50 miles of driving. Wardens are currently working at capacity; as such, responding to additional complaints will require paying wardens for overtime at a time and one half rate. The average warden's salary and benefits cost \$15 per hour and vehicle use rates of \$.25 per mile.
5. Assume that the minimum statutory fine of \$50 is levied.
6. The Wardens' Retirement System receives fine collections from hunting without permission and convictions. It is estimated that the number of convictions will double, but receiving only 1/2 the fine collections will result in zero fiscal impact on the Wardens' Retirement System.

FISCAL IMPACT:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Personal Services	\$ 7,500	\$ 18,750	\$ 11,250	\$ 7,500	\$ 18,750	\$ 11,250
Operating Expenses	3,125	6,250	3,125	3,125	6,250	3,125
TOTAL	\$10,625	\$ 25,000	\$ 14,375	\$ 10,625	\$ 25,000	\$ 14,375

Revenues:

(Fine collections from hunting without permission)	\$ 4,700	\$ 4,700	\$ 0	\$ 4,700	\$ 4,700	\$ 0
<u>Difference:</u>	\$(5,925)	\$(20,300)	\$(14,375)	\$( 5,925)	\$(20,300)	\$( 14,375)

*David L. Hunter* DATE 1/20/87  
 DAVID L. HUNTER, BUDGET DIRECTOR  
 Office of Budget and Program Planning

DATE \_\_\_\_\_  
 JOHN COBB, PRIMARY SPONSOR

Fiscal Note for HB192, as introduced

**HB-192**

Fiscal Note Request, HB192, as introduced.

Form BD-15

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EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Sheriff and police departments may incur additional costs if the anticipated increase in the number of trespass complaints occurs.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The cost of having wardens respond to the additional complaints generated by this bill is estimated to be \$14,375 per year.

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

This legislation conflicts with Section 87-1-601(4), MCA, which requires the deposit of all fines under Title 87, into a special revenue account for the Department of Fish, Wildlife and Parks.

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