

HOUSE BILL NO. 554  
INTRODUCED BY DAILY

IN THE HOUSE

JANUARY 30, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON JUDICIARY.

FEBRUARY 10, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

FEBRUARY 11, 1987                   PRINTING REPORT.

FEBRUARY 12, 1987                   SECOND READING, DO PASS.

FEBRUARY 13, 1987                   ENGROSSING REPORT.

THIRD READING, PASSED.  
AYES, 84; NOES, 6.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 16, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON JUDICIARY.

MARCH 26, 1987                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

MARCH 30, 1987                   SECOND READING, CONCURRED IN.

ON MOTION, RULES SUSPENDED AND BILL  
PLACED ON THIRD READING THIS DAY.

THIRD READING, CONCURRED IN.  
AYES, 50; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 9, 1987

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 554  
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3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CREATION OF  
5 AN ESCROW FUND TO PAY CRIME VICTIMS FROM THE PERPETRATOR'S  
6 PROCEEDS OF A CRIME; AND AMENDING SECTION 53-9-104, MCA."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 53-9-104, MCA, is amended to read:  
10 "53-9-104. Powers and duties of division. (1) The  
11 division shall:

- 12 (a) adopt rules to implement this part;
- 13 (b) prescribe forms for applications for compensation;
- 14 and
- 15 (c) determine all matters relating to claims for  
16 compensation; and
- 17 (d) require any person contracting directly or  
18 indirectly with an individual formally charged with or  
19 convicted of a qualifying crime for any rendition,  
20 interview, statement, or article relating to such crime to  
21 deposit any proceeds owed to the individual under the terms  
22 of the contract into an escrow fund for the benefit of any  
23 victims of the qualifying crime and any dependents of a  
24 deceased victim, if the individual is convicted of the  
25 crime, to be held for such period of time as the division

1 may determine is reasonably necessary to perfect the claims  
2 of the victims or dependents. Deposited proceeds may also be  
3 used to pay the costs and attorney fees of court-appointed  
4 counsel for the charged person. Each victim and dependent of  
5 a deceased victim is entitled to his actual and unreimbursed  
6 damages of all kinds or \$5,000, whichever is greater.  
7 Proceeds remaining after payments to victims, dependents of  
8 deceased victims, and any attorney appointed for the charged  
9 person must be deposited in the account established in  
10 53-9-109.

- 11 (2) The division may:
- 12 (a) request and obtain from prosecuting attorneys and
- 13 law enforcement officers investigations and data to enable
- 14 the division to determine whether and the extent to which a
- 15 claimant qualifies for compensation. A statute providing
- 16 confidentiality for a claimant's juvenile court records does
- 17 not apply to proceedings under this part.
- 18 (b) subpoena witnesses and other prospective evidence,
- 19 administer oaths or affirmations, conduct hearings, and
- 20 receive relevant, nonprivileged evidence;
- 21 (c) take notice of judicially cognizable facts and
- 22 general, technical, and scientific facts within its
- 23 specialized knowledge; and
- 24 (d) require that law enforcement agencies and
- 25 officials take reasonable care that victims be informed



1 about the existence of this part and the procedure for  
2 applying for compensation under this part~~7~~and.

3 ~~(e) require that any person contracting directly or  
4 indirectly with an individual formally charged with or  
5 convicted of a qualifying crime for any rendition,  
6 interview, statement, or article relating to such crime to  
7 deposit any proceeds owed to such individual under the terms  
8 of the contract into an escrow fund for the benefit of any  
9 victims of the qualifying crime or any surviving dependents  
10 of the victim, if such individual is convicted of that  
11 crime, to be held for such period of time as the division  
12 may determine is reasonably necessary to perfect the claims  
13 of the victims or dependents. If after all funds due the  
14 victim have been paid to the victim under this section,  
15 there remain additional funds in the escrow account, such  
16 funds shall be returned to the individual charged or  
17 convicted of the crime."~~

18 NEW SECTION. Section 2. Extension of authority. Any  
19 existing authority of the division of workers' compensation  
20 to make rules on the subject of the provisions of this act  
21 is extended to the provisions of this act.

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

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2 applying for compensation under this part, and.

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(d) require any person contracting directly or indirectly with an individual formally charged with or convicted of a qualifying crime for any rendition, interview, statement, BOOK, PHOTOGRAPH, MOVIE, TELEVISION PRODUCTION, PLAY, or article relating to such crime to deposit any proceeds PAID OR owed to the individual under the terms of the contract into an escrow fund for the benefit of any victims of the qualifying crime and any dependents of a deceased victim, if the individual is

convicted of the crime, to be held for such period of time as the division may determine is reasonably necessary to perfect the claims of the victims or dependents. Deposited proceeds may also be used to pay the costs and attorney fees of court-appointed counsel for the charged person. Each victim and dependent of a deceased victim is entitled to his actual and unreimbursed damages of all kinds or \$5,000, whichever is greater. Proceeds remaining after payments to victims, dependents of deceased victims, and THE COUNTY AS REIMBURSEMENT FOR ANY PUBLIC DEFENDER OR any attorney appointed for the charged person must be deposited in the account established in 53-9-109.

(2) The division may:

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-End-

SENATE

STANDING COMMITTEE REPORT

March 26 19 87

MR. PRESIDENT

We, your committee on SENATE JUDICIARY

having had under consideration HOUSE BILL No. 554

Third ~~Third~~ reading copy ( blue ) color

Pay crime victims the perpetrator's proceeds of the crime.
Daily ((Pinsonneault))

Respectfully report as follows: That HOUSE BILL No. 554

- 1. Page 1, line 20. Following: "statement," Insert: "book, photograph, movie, television production, play,"
2. Page 1, line 21. Following: "proceeds" Insert: "paid or"
3. Page 2, line 8. Following: "and" Insert: "the county as reimbursement for any public defender or"

Amendments, HB 554
7083b/C:JEANNE\WP:jj

MB

GO PASS

GO NOT PASS

AND AS AMENDED
BE CONCURRED IN

Senator Mazurek Chairman.
3-26