

HOUSE BILL NO. 679

INTRODUCED BY KEENAN, MILES, STRIZICH,  
MENAHAN, STRATFORD, D. BROWN, BRADLEY,  
NATHE, WINSLOW

IN THE HOUSE

FEBRUARY 9, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 16, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 17, 1987	PRINTING REPORT.
FEBRUARY 18, 1987	SECOND READING, DO PASS.
FEBRUARY 19, 1987	ENGROSSING REPORT.  THIRD READING, PASSED. AYES, 89; NOES, 6.  TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 21, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
MARCH 20, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 24, 1987	SECOND READING, CONCURRED IN.
MARCH 26, 1987	THIRD READING, CONCURRED IN. AYES, 49; NOES, 1.  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. 1679  
 2 INTRODUCED BY Keenan Niles Steve Menahan  
 3 STRATFORD Dave Brown Bradley NATHAN Winslow  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOCATE 50 PERCENT  
 5 OF THE REVENUE FROM FINES FOR THE COMMISSION OF THE CRIMINAL  
 6 OFFENSE OF DOMESTIC ABUSE TO THE BATTERED SPOUSES AND  
 7 DOMESTIC VIOLENCE GRANT PROGRAM; AMENDING SECTIONS 40-2-405  
 8 AND 46-18-235, MCA; AND PROVIDING AN EFFECTIVE DATE."  
 9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 11 Section 1. Section 46-18-235, MCA, is amended to read:  
 12 "46-18-235. Disposition of money collected as fines  
 13 and costs. The money collected by a court as a result of the  
 14 imposition of fines or assessment of costs under the  
 15 provisions of 46-18-231 and 46-18-232 shall be paid to the  
 16 county general fund of the county in which the court is  
 17 held, except that:  
 18 (1) if the costs assessed include any district court  
 19 expense listed in 3-5-901, the money collected from  
 20 assessment of these costs must be paid to the department of  
 21 commerce for deposit into the state general fund to the  
 22 extent the expenses were paid by the state; and  
 23 (2) if the fine was imposed for a violation of Title  
 24 45, chapter 9, the court may order the money paid into the  
 25 drug forfeiture fund maintained under 44-12-206 for the law

1 enforcement agency which made the arrest from which the  
 2 conviction and fine arose; and  
 3 (3) if the fine was imposed for a violation of  
 4 45-5-206, 50% of the amount collected must be deposited in  
 5 the state special revenue fund for use of the department of  
 6 social and rehabilitation services in the battered spouses  
 7 and domestic violence grant program created by 40-2-401."  
 8 Section 2. Section 40-2-405, MCA, is amended to read:  
 9 "40-2-405. Funding. (1) Revenue from the marriage  
 10 license fee, and the fee collected for filing a declaration  
 11 of marriage without solemnization, and the portion of fines  
 12 allocated to this program by 46-18-235 is the primary source  
 13 of funding for the battered spouses and domestic violence  
 14 program. The disposition of the marriage license fee is as  
 15 established in 25-1-201.  
 16 (2) Twenty percent of the operational costs of a  
 17 battered spouses and domestic violence program must come  
 18 from the local community served by the program. The local  
 19 contribution may include in-kind contributions."  
 20 NEW SECTION. Section 3. Effective date. This act is  
 21 effective July 1, 1987.

-End-



## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB679, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to allocate 50 percent of the revenue from fines for the commission of the criminal offense of domestic abuse to the battered spouses and domestic violence grant program; amending Sections 40-2-405 and 46-18-235, MCA; and providing an effective date.

ASSUMPTIONS:

1. Since domestic abuse data is not currently collected on a state level, the best source of information is the voluntary reporting done for the Supreme Court. Such data shows 144 first and second offenses of domestic abuse recorded during 1986.
2. Reported cases will increase 10% per year for the next biennium base on experience between FY85-FY86.
3. The average fine will be \$250, one half the maximum allowed for first and second offenses.

FISCAL IMPACT:


	FY88			FY89		
	Current	Proposed	Difference	Current	Proposed	Difference
	Law	Law		Law	Law	
<u>Expenditures:</u>						
Domestic Abuse Programs	\$100,000	\$119,750	\$ 19,750	\$100,000	\$121,750	\$ 21,750
<u>Revenues:</u>						
Marriage License Fee	\$100,000	\$100,000	\$ 0	\$100,000	\$100,000	\$ 0
Domestic Abuse Fines	0	19,750	19,750	0	21,750	21,750
TOTAL	\$100,000	\$119,750	\$ 19,750	\$100,000	\$121,750	\$ 21,750

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

County general fund revenues would be reduced by an amount equal to 50 percent of the fines for the offense of domestic abuse: \$19,750 in FY88 and \$21,750 in FY89.

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

The current funding for the program is from the state general fund and offset by a portion of the marriage license fee. Section 3 states the funds collected "must be deposited in the state special revenue fund." There is no authorization for the special revenue account.

 DATE 2/13/87  
 DAVID L. HUNTER, BUDGET DIRECTOR  
 Office of Budget and Program Planning

 DATE 2-16-87  
 NANCY KEENAN, PRIMARY SPONSOR

Fiscal Note for HB679, as introduced.

**HB 679**

APPROVED BY COMMITTEE ON JUDICIARY

1 Hoace BILL NO. 1679  
 2 INTRODUCED BY Keenan Rice Steve Menahan  
 3 STRAFORD Steve Brown Bradley NATHAN Winslow  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOCATE 50 PERCENT  
 5 OF THE REVENUE FROM FINES FOR THE COMMISSION OF THE CRIMINAL  
 6 OFFENSE OF DOMESTIC ABUSE TO THE BATTERED SPOUSES AND  
 7 DOMESTIC VIOLENCE GRANT PROGRAM; AMENDING SECTIONS 40-2-405  
 8 AND 46-18-235, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

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

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

1 enforcement agency which made the arrest from which the  
2 conviction and fine arose; and  
3 (3) if the fine was imposed for a violation of  
4 45-5-206, 50% of the amount collected must be deposited in  
5 the state special revenue fund for use of the department of  
6 social and rehabilitation services in the battered spouses  
7 and domestic violence grant program created by 40-2-401."

8 Section 2. Section 40-2-405, MCA, is amended to read:

9 "40-2-405. Funding. (1) Revenue from the marriage  
10 license fee, and the fee collected for filing a declaration  
11 of marriage without solemnization, and the portion of fines  
12 allocated to this program by 46-18-235 is the primary source  
13 of funding for the battered spouses and domestic violence  
14 program. The disposition of the marriage license fee is as  
15 established in 25-1-201.

16 (2) Twenty percent of the operational costs of a  
17 battered spouses and domestic violence program must come  
18 from the local community served by the program. The local  
19 contribution may include in-kind contributions."

20 NEW SECTION. Section 3. Effective date. This act is  
21 effective July 1, 1987.

-End-





HOUSE BILL NO. 679

INTRODUCED BY KEENAN, MILES, STRIZICH,  
MENAHAN, STRATFORD, D. BROWN, BRADLEY,  
NATHE, WINSLOW

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOCATE 50--PERCENT  
A PORTION OF THE REVENUE FROM FINES FOR THE COMMISSION OF  
THE CRIMINAL OFFENSE OF DOMESTIC ABUSE AND OTHER CRIMES TO  
THE BATTERED SPOUSES AND DOMESTIC VIOLENCE GRANT PROGRAM;  
AMENDING SECTIONS 40-2-405 AND 46-18-235, MCA; AND PROVIDING  
AN EFFECTIVE DATE."

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

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

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

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assessment of these costs must be paid to the department of  
commerce for deposit into the state general fund to the  
extent the expenses were paid by the state; and

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

(3) if the fine was imposed for a violation of  
45-5-206, 50% of the amount collected[, EXCEPT FOR FINES  
COLLECTED BY A JUSTICE COURT AND DISTRIBUTED PURSUANT TO  
3-10-601,] must be deposited in the state special revenue  
fund for use of the department of social and rehabilitation  
services in the battered spouses and domestic violence grant  
program created by 40-2-401."

Section 2. Section 40-2-405, MCA, is amended to read:

"40-2-405. Funding. (1) Revenue from the marriage  
license fee, and the fee collected for filing a declaration  
of marriage without solemnization, and the portion of fines  
allocated to this program by 46-18-235 is the primary source  
of funding for the battered spouses and domestic violence  
program. The disposition of the marriage license fee is as  
established in 25-1-201.

(2) Twenty percent of the operational costs of a  
battered spouses and domestic violence program must come  
from the local community served by the program. The local  
contribution may include in-kind contributions."

NEW SECTION. SECTION 3. COORDINATION INSTRUCTION. IF

1 HOUSE BILL 740, INCLUDING THE SECTION OF THAT BILL AMENDING  
2 3-10-601 TO PROVIDE A PERCENTAGE OF FINES TO BE ALLOCATED TO  
3 THE BATTERED SPOUSES AND DOMESTIC VIOLENCE GRANT PROGRAM, IS  
4 NOT PASSED AND APPROVED, THE BRACKETED LANGUAGE IN SECTION  
5 1(3) IS VOID.

6 NEW SECTION. Section 4. Effective date. This act is  
7 effective July 1, 1987.

-End-



STANDING COMMITTEE REPORT

SENATE

March 19

19 87

MR. PRESIDENT

We, your committee on SENATE JUDICIARY

having had under consideration HOUSE BILL No. 679

Third reading copy ( blue ) color

Allocate domestic abuse fines to fund battered spouses program. Keenan (Beck)

Respectfully report as follows: That HOUSE BILL No. 679

1. Title, line 4. Following: "ALLOCATE" Strike: "50 PERCENT" Insert: "A PORTION"

2. Title, line 6. Following: "ABUSE" Insert: "AND OTHER CRIMES"

3. Page 2, line 4. Following: "collected" Insert: " [, except for fines collected by a justice court and distributed pursuant to 3-10-601,] "

4. Page 2, line 20. Following: line 19 Insert: "NEW SECTION. Section 3. Coordination instruction. If House Bill 740, including the section of that bill amending 3-10-601 to provide a percentage of fines to be allocated to the battered spouses and domestic violence grant program, is not passed and approved, the bracketed language in Section 1(3) is void." Renumber: subsequent section

Handwritten initials

AND AS AMENDED

~~DO NOT PASS~~

BE CONCURRED IN

~~DO NOT PASS~~

~~CONTINUED~~

Handwritten signature of Senator Mazurek

Senator Mazurek

Chairman.

Handwritten notes: 3-19-87, 24, 513