

HOUSE BILL NO. 292
INTRODUCED BY THOMAS

IN THE HOUSE

JANUARY 18, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 19, 1989	FIRST READING.
FEBRUARY 2, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 3, 1989	PRINTING REPORT.
FEBRUARY 4, 1989	SECOND READING, DO PASS.
FEBRUARY 6, 1989	ENGROSSING REPORT.
FEBRUARY 7, 1989	THIRD READING, PASSED. AYES, 92; NOES, 7.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 8, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
MARCH 8, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 9, 1989	SECOND READING, CONCURRED IN.
MARCH 11, 1989	THIRD READING, CONCURRED IN. AYES, 44; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 11, 1989	RECEIVED FROM SENATE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 292
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE RATE AT
5 WHICH A FINE IS PAID OFF BY IMPRISONMENT IN LIEU OF PAYMENT
6 OF THE FINE; AND AMENDING SECTIONS 46-17-302, 46-18-403, AND
7 46-19-102, MCA."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 **Section 1.** Section 46-17-302, MCA, is amended to read:
11 "46-17-302. Execution of judgment. (1) The judgment
12 must be executed by the sheriff, constable, marshal, or
13 policeman of the jurisdiction in which the conviction was
14 had.
15 (2) When a judgment of imprisonment is entered, a
16 certified copy thereof must be delivered to the sheriff or
17 other officer, which is a sufficient warrant for its
18 execution.
19 (3) If a judgment is rendered imposing a fine only
20 without imprisonment for nonpayment and the defendant is not
21 detained for any other legal cause, he must be discharged as
22 soon as the judgment is given.
23 (4) A judgment that the defendant pay a fine may also
24 direct that he be imprisoned until the fine be satisfied in
25 the proportion of 1 day's imprisonment for every \$10 \$25 of

1 the fine. When ~~such--a~~ the judgment is rendered, the
2 defendant must be held in custody the time specified in the
3 judgment unless the fine is ~~sooner~~ paid.

4 (5) Any officer charged with the collection of fines
5 under the provisions of this chapter must return the
6 execution to the judge within 30 days from its delivery to
7 him and pay over to the judge the money collected therefrom,
8 deducting his fees for the collection."

9 **Section 2.** Section 46-18-403, MCA, is amended to read:
10 "46-18-403. Credit for incarceration prior to
11 conviction. (1) Any person incarcerated on a bailable
12 offense and against whom a judgment of imprisonment is
13 rendered shall be allowed credit for each day of
14 incarceration prior to or after conviction, except that in
15 no case shall the time allowed as a credit exceed the term
16 of the prison sentence rendered.

17 (2) Any person incarcerated on a bailable offense who
18 does not supply bail and against whom a fine is levied on
19 conviction of ~~such~~ the offense shall be allowed a credit of
20 \$10 \$25 for each day ~~so~~ incarcerated prior to conviction,
21 except that in no case shall the amount ~~so~~ allowed or
22 credited exceed the amount of the fine."

23 **Section 3.** Section 46-19-102, MCA, is amended to read:
24 "46-19-102. Execution of a fine. (1) If the judgment
25 is for a fine alone, execution may issue thereon as on a

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1 judgment in a civil case.

2 (2) If the judgment is for a fine and imprisonment
3 until the fine ~~be~~ is paid, the defendant must be committed
4 to the custody of the proper officer and ~~by-him~~ detained
5 until the judgment is complied with. The imprisonment must
6 not exceed 1 day for every \$~~10~~ \$25 of the fine."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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18 does not supply bail and against whom a fine is levied on
19 conviction of ~~such~~ the offense shall be allowed a credit of
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23 **Section 3.** Section 46-19-102, MCA, is amended to read:

24 "46-19-102. Execution of a fine. (1) If the judgment
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14 incarceration prior to or after conviction, except that in
15 no case shall the time allowed as a credit exceed the term
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18 does not supply bail and against whom a fine is levied on
19 conviction of ~~such~~ the offense shall be allowed a credit of
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22 credited exceed the amount of the fine."

23 **Section 3.** Section 46-19-102, MCA, is amended to read:

24 "46-19-102. Execution of a fine. (1) If the judgment
25 is for a fine alone, execution may issue thereon as on a

LC 0990/01

1 judgment in a civil case.

2 (2) If the judgment is for a fine and imprisonment
3 until the fine be is paid, the defendant must be committed
4 to the custody of the proper officer and ~~by-him~~ detained
5 until the judgment is complied with. The imprisonment must
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(5) Any officer charged with the collection of fines under the provisions of this chapter must return the execution to the judge within 30 days from its delivery to him and pay over to the judge the money collected ~~therefrom~~, deducting his fees for the collection."

Section 2. Section 46-18-403, MCA, is amended to read:

"46-18-403. Credit for incarceration prior to conviction. (1) Any person incarcerated on a bailable offense and against whom a judgment of imprisonment is rendered shall be allowed credit for each day of incarceration prior to or after conviction, except that in no case shall the time allowed as a credit exceed the term of the prison sentence rendered.

(2) Any person incarcerated on a bailable offense who does not supply bail and against whom a fine is levied on conviction of ~~such~~ the offense shall be allowed a credit of \$10 \$25 for each day ~~so~~ incarcerated prior to conviction, except that in no case shall the amount ~~so~~ allowed or credited exceed the amount of the fine."

Section 3. Section 46-19-102, MCA, is amended to read:

"46-19-102. Execution of a fine. (1) If the judgment is for a fine alone, execution may issue thereon as on a

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1 judgment in a civil case.

2 (2) If the judgment is for a fine and imprisonment
3 until the fine ~~be~~ is paid, the defendant must be committed
4 to the custody of the proper officer and ~~by-him~~ detained
5 until the judgment is complied with. The imprisonment must
6 not exceed 1 day for every ~~\$10~~ \$25 of the fine."

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