# HOUSE BILL 493

Introduced by Strizich

1/28	Introduced
1/30	Referred to Judiciary
1/31	Fiscal Note Requested
2/06	Fiscal Note Received
2/08	Fiscal Note Printed
2/10	Hearing
2/15 2/17 2/17 2/18	Committee ReportBill Not Passed Taken From Standing Committee Reports Order of Business Rereferred to Judiciary Tabled in Committee

LC 0988/01

1 INTRODUCED BY
2 INTRODUCED BY
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4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPOSING A CHARGE ON
5 CONVICTED PERSONS, TO BE USED TO FUND COUNTY JAILS; AND
6 AMENDING SECTION 46-18-236, MCA."

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

Section 1. Section 46-18-236, MCA, is amended to read: 9 "46-18-236. Imposition of charge upon conviction or 10 11 forfeiture -- administration. (1) Except as provided in 12 subsection (2), there must be imposed by all courts of 13 original jurisdiction on a defendant upon his conviction for 14 any conduct made criminal by state statute or upon 15 forfeiture of bond or bail a charge that is in addition to other taxable court costs, fees, or fines, as follows: 16

(a) \$10 \$20 for each misdemeanor charge; and

18 (b) the greater of \$20 \$45 or 10% of the fine levied
19 for each felony charge.

20 (2) If a convicting court determines under 46-18-231 21 and 46-18-232 that the defendant is not able to pay the fine 22 and costs or that he is unable to pay within a reasonable 23 time, the court must waive payment of the charge imposed by 24 this section.

25 (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.

3 (4) When the payment of a fine is to be made in 4 installments over a period of time, the charge imposed by 5 this section must be collected from the first payment made 6 and each subsequent payment as necessary if the first 7 payment is not sufficient to cover the charge.

(5) (a) The Ten dollars of the charges collected under 8 9 subsection (1)(a) and 44.5% of the charges collected under 10 subsection (1)(b), except those collected by a justice's 11 court, must be deposited with the appropriate local 12 government finance officer or treasurer. If a city municipal court or city or town court is the court of 13 14 original jurisdiction, the charges collected---under subsection--{1} must be deposited with the city or town 15 16 finance officer or treasurer. If a district court is the 17 court of original jurisdiction, the charges collected-under subsection-(1) must be deposited with the county finance 18 officer or treasurer. If the court of original jurisdiction 19 20 is a court within a consolidated city-county government within the meaning of Title 7, chapter 3, the charges 21 22 collected-under-subsection-(1) must be deposited with the finance officer or treasurer of the consolidated government. 23 24 (6)--(a)(b) A city or town finance officer or treasurer may retain the charges collected deposited under 25

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subsection (i) (5)(a) 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.

4 (b)(c) Each county finance officer or treasurer may 5 retain the charges collected deposited under subsection (1) 6 (5)(a) by district courts for crimes committed or alleged to 7 have been committed within that county. The county finance 8 officer or treasurer shall use the money for the payment of 9 salaries of its deputy county attorneys and for the payment 10 of other salaries in the office of the county attorney, and 11 any funds not needed for such salaries may be used for the 12 payment of any other county salaries.

13 (6) Ten dollars of the charges collected under 14 subsection (1)(a) and 55.5% of the charges collected under 15 subsection (1)(b), except those collected by a justice's 16 court, must be deposited with the county finance officer or 17 treasurer to be retained by him and used as follows:

(a) 2/3 for the payment of salaries of jailers and
deputy sheriffs and to provide for county jail security, for
repair and maintenance of the county jail, and for payment
of other costs of operating the jail; and
(b) 1/3 for county jail expansion, remodeling, or

23 construction."

-End-

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### STATE OF MONTANA - FISCAL NOTE Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB493, as introduced.

## DESCRIPTION OF PROPOSED LEGISLATION:

HB493 would impose a charge on convicted persons to be used to help fund county jails.

### **ASSUMPTIONS:**

- There is insufficient data to make any assumptions regarding the amount of money which might be collected under the proposed law to help fund operating costs and capital costs of county jails.
   In FY88, there were reports filed with the Dept. of Justice by 37 counties showing total county general fund expenditures of \$3.370,396 for the care of prisoners, excluding costs of deputies acting as jailers and of facilities.
- 3. It is assumed the proposed law would help pay a portion of these costs for prisoner care, plus facilities expenses.
- 4. The proposed law will have no fiscal impact on state government.

### EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Local revenue collections will increase by an undetermined amount.

RAY SHACKLEFORD, BUDGET DIRECTOR DATE OFFICE OF BUDGET AND PROGRAM PLANNING

		· .		2/	07/89	
BILL	STRIZICH,	PRIMARY	SPONSOR		DATE	•

Fiscal Note for HB493, as introduced