

RESTITUTION, FINES, FEES, AND SURCHARGES FOR CRIMINAL CONVICTIONS

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: When an individual is sentenced for a crime, the punishments can include financial penalties in addition to incarceration in a jail or prison. The types of financial obligations that can be assigned include surcharges or fees that can be assigned to every individual convicted of a crime as part of the court or corrections processes (such as public defender fees/costs, victim surcharges, and probation and parole supervision fees), fines that are assigned according to the type and number of criminal charges, and restitution that is meant to make a crime victim whole for a loss or injury sustained as a result of the criminal activity. The financial obligations are set in various sentencing statutes, included in the court's judgement, and paid to different recipients depending on the law that authorizes or requires the penalty. This primer only lists legislation that revises the amount of a penalty or restructures the distribution or assignment of post-conviction financial obligations. It does not include legislation that creates a new crime punishable by a fine, that is related to bail or release obligations, or that revises filing fees in civil cases.

Legislative Services Division Materials:

Other Materials:

[Montana Supreme Court Recommended Bond Schedule 2018](#) (includes surcharge amounts and maximum and minimum fines for each criminal charge)

[“Principles on Fines, Fees, and Bail Practices.”](#) Task Force on Fines, Fees, and Bail Practices, National Center for State Courts

Introduced Legislation

2017

2015

[House Bill No. 72](#) -- (H) Missed Deadline for Revenue Bill Transmittal -- AN ACT REVISING LAWS RELATED TO COSTS OF ASSIGNED COUNSEL; REQUIRING THAT COSTS OF ASSIGNED COUNSEL PAID BY A DEFENDANT BE DEPOSITED IN THE STATE GENERAL FUND; REVISING WHEN NEW STAFF POSITIONS FOR THE PUBLIC DEFENDER COMMISSION MAY BE ADDED; ELIMINATING A REPORT TO THE LEGISLATIVE FISCAL ANALYST RELATED TO FEE ASSESSMENTS; AMENDING SECTIONS 2-15-1028, 46-8-114, 47-1-110, 47-1-201, AND 47-1-202, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 143](#) -- Chapter Number Assigned -- AN ACT SUSPENDING PAYMENT OF PUBLIC DEFENDER FEES DURING PERIODS OF INCARCERATION; AND AMENDING SECTIONS 46-8-113 AND 46-8-114, MCA.

[House Bill No. 466](#) -- Chapter Number Assigned -- AN ACT REVISING RESTITUTION LAWS RELATED TO GOVERNMENTAL ENTITIES; REVISING THE DEFINITION OF "VICTIM" TO AUTHORIZE A GOVERNMENTAL ENTITY TO RECOVER COSTS OR LOSSES INCURRED AS A RESULT OF EXTRADITING AN OFFENDER FROM AN OUT-OF-STATE JURISDICTION TO MONTANA; AMENDING SECTION 46-18-243, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill No. 61](#) -- (H) Died in Standing Committee -- AN ACT CLARIFYING A COURT'S PUNITIVE AUTHORITY RELATING TO THE NONPAYMENT OF FINES, COSTS, OR OTHER AMOUNTS; PROVIDING FOR CIVIL CONTEMPT WITH THE POSSIBILITY OF INCARCERATION FOR NONPAYMENT; PROVIDING FOR THE RIGHT TO COUNSEL; AMENDING SECTIONS 46-8-101 AND 47-1-104, MCA; AND PROVIDING AN APPLICABILITY DATE

[Senate Bill No. 362](#) -- (S) Died in Standing Committee -- AN ACT INCREASING THE FINES AND PENALTIES FOR PARTNER OR FAMILY MEMBER ASSAULT; REVISING DEFINITIONS; AND AMENDING SECTION 45-5-206, MCA.

2011

[House Bill No 96](#) -- Chapter Number Assigned -- AN ACT ALLOWING THE OFFICE OF STATE PUBLIC DEFENDER TO RECOVER ITS COSTS OF REPRESENTATION FROM A RESPONDENT IN CERTAIN CASES; AND AMENDING SECTION 47-1-110, MCA.

[House Bill No. 146](#) -- (H) Died in Standing Committee -- AN ACT REVISING PENALTIES FOR VIOLATIONS OF ALCOHOL-RELATED OR DRUG-RELATED DRIVING OFFENSES; AMENDING SECTIONS 46-1-202, 46-18-501, 46-18-502, 46-23-201, 61-8-401, 61-8-406, 61-8-442, 61-8-714, 61-8-731, 61-8-732, 61-8-733, AND 61-8-734, MCA; REPEALING SECTION 61-8-722, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[House Bill No. 253](#) -- (H) Died in Standing Committee -- AN ACT REQUIRING A PERSON WHOSE INTOXICATION OR DRUG USE CAUSES AN EMERGENCY INCIDENT TO PAY FOR THE REASONABLE COSTS OF THE EMERGENCY RESPONSE IF THE PERSON IS CONVICTED OF CERTAIN CRIMINAL OFFENSES AS A

RESULT OF THE INCIDENT; CLARIFYING WHAT CHARGES CONSTITUTE REASONABLE COSTS; AND LIMITING RECOVERY OF COSTS.

[House Bill No. 355](#) -- (H) Died in Standing Committee -- AN ACT PROVIDING FOR AN AWARD OF ATTORNEY FEES AND COSTS TO A DEFENDANT IN A CRIMINAL CASE IN WHICH THE DEFENDANT SUCCESSFULLY ASSERTS THE CONSTITUTIONAL RIGHT OF SELF-DEFENSE IF THE DEFENDANT IS FOUND NOT GUILTY OR THE CHARGES ARE DISMISSED BASED ON SELF-DEFENSE; AND PROVIDING AN APPLICABILITY DATE.

[Senate Bill No. 151](#) -- (H) Died in Standing Committee -- AN ACT PROVIDING FOR A CRIME PREVENTION PROGRAM; PROVIDING FOR FUNDING AND ADMINISTRATION OF THE PROGRAM; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 3-1-317, MCA; AND PROVIDING AN EFFECTIVE DATE.

2009

[House Bill No. 95](#) -- Chapter Number Assigned -- AN ACT EXPANDING THE ENFORCEMENT AUTHORITY FOR COLLECTING PARENTAL COST-OF-CARE CONTRIBUTIONS THAT ARE ORDERED BY A YOUTH COURT; AMENDING SECTIONS 40-5-303, 40-5-601, 40-5-701, AND 41-5-1525, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

[House Bill No. 108](#) -- Chapter Number Assigned -- AN ACT CREATING A CRIME VICTIMS COMPENSATION ACCOUNT; STATUTORILY APPROPRIATING THE ACCOUNT; PROVIDING THAT CERTAIN RESTITUTION MONEY PAID BY A CRIMINAL OFFENDER MUST BE DEPOSITED IN A STATE SPECIAL REVENUE ACCOUNT FOR CRIME VICTIMS COMPENSATION; AMENDING SECTIONS 17-7-502, 46-18-236, 46-18-241, 46-18-250, 46-18-251, 53-1-107, 53-9-104, 53-9-132, 53-9-133, AND 53-30-132, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

[House Bill No. 149](#) -- Chapter Number Assigned -- AN ACT REVISING THE COLLECTION OF RESTITUTION AND SUPERVISORY FEES BY THE DEPARTMENT OF CORRECTIONS FROM AN INDIVIDUAL CONVICTED OF A CRIMINAL OFFENSE; AMENDING SECTIONS 46-18-241, 46-18-246, AND 46-23-1031, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 269](#) -- Chapter Number Assigned -- AN ACT REVISING THE DOLLAR RATE AT WHICH FINES FOR CERTAIN CRIMINAL OFFENSES WILL BE SATISFIED BASED ON EACH DAY OF IMPRISONMENT; AMENDING SECTIONS 46-17-302 AND 61-7-118, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 308](#) -- Chapter Number Assigned -- AN ACT ALLOWING A SENTENCING COURT TO ORDER THAT AN OFFENDER MAKE A DONATION OF FOOD TO A FOOD BANK PROGRAM TO FULFILL ALL OR PART OF A SENTENCE; AMENDING SECTION 46-18-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 525](#) -- (H) Died in Standing Committee -- AN ACT REVISING THE PENALTY FOR ELUDING A PEACE OFFICER; AND AMENDING SECTION 61-8-316, MCA.

[Senate Bill No. 191](#) -- (S) Died in Process -- AN ACT REQUIRING ALL COURTS OF ORIGINAL JURISDICTION TO IMPOSE A USER SURCHARGE IN CRIMINAL, CIVIL, AND PROBATE CASES; PROVIDING THAT THE

SURCHARGE MUST BE RETAINED BY AND USED BY LOCAL GOVERNMENTS ONLY FOR THE PAYMENT OF COSTS FOR COURT SECURITY NEEDS; AMENDING SECTIONS 61-8-460, 61-8-725, AND 61-13-104, MCA; AND PROVIDING AN EFFECTIVE DATE.

[Senate Bill No. 341](#) -- Chapter Number Assigned -- AN ACT REVISING THE LAW RELATING TO THE RECOVERY FROM DEFENDANTS OF PROSECUTION COSTS; AMENDING SECTION 46-18-232, MCA; AND PROVIDING AN EFFECTIVE DATE.

[Senate Bill No. 450](#) -- (S) Died in Standing Committee -- AN ACT CREATING THE ALCOHOL AND TOBACCO SCHOLARSHIP PROGRAM; PROVIDING FOR THE FUNDING OF THE PROGRAM THROUGH THE IMPOSITION OF A SURCHARGE ON OFFENSES INVOLVING UNLAWFUL PURCHASE OR POSSESSION OF ALCOHOL OR TOBACCO BY MINORS AND DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS; AMENDING SECTIONS 45-5-624, 45-5-637, 61-8-410, 61-8-714, 61-8-722, AND 61-8-731, MCA; REPEALING SECTION 20-26-601, MCA; AND PROVIDING EFFECTIVE DATES.