

SENATE BILL NO. 151

INTRODUCED BY T. BROWN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A CRIME PREVENTION PROGRAM; PROVIDING
5 FOR FUNDING AND ADMINISTRATION OF THE PROGRAM; PROVIDING RULEMAKING AUTHORITY;
6 AMENDING SECTION 3-1-317, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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10 **Section 1.** Section 3-1-317, MCA, is amended to read:

11 **"3-1-317. User surcharge for court information technology -- exception -- disposition of funds.**

12 (1) Except as provided in subsection (2), all courts of original jurisdiction shall impose:

13 (a) on a defendant in criminal cases, a ~~\$10~~ \$15 user surcharge upon conviction for any conduct made
14 criminal by state statute or upon forfeiture of bond or bail;

15 (b) on the initiating party in civil and probate cases, a \$10 user surcharge at the commencement of each
16 action, proceeding, or filing; and

17 (c) on each defendant or respondent in civil cases, a \$10 user surcharge upon appearance.

18 (2) If a court determines that a defendant in a criminal case or determines pursuant to 25-10-404 that
19 a party in a civil case is unable to pay the surcharge, the court may waive payment of the surcharge imposed by
20 this section.

21 (3) The surcharge imposed by this section is not a fee or fine and must be imposed in addition to other
22 taxable court costs, fees, or fines. The surcharge may not be used in determining the jurisdiction of any court.

23 (4) ~~(a) The~~ Except as provided in subsection (4)(b), the amounts collected under this section must be
24 forwarded to the department of revenue for deposit in the state general fund to be used for state funding of court
25 information technology.

26 (b) Of the surcharge imposed under subsection (1)(a), \$5 must be deposited in the account provided
27 for in [section 2] for crime prevention."

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29 **NEW SECTION. Section 2. Account for crime prevention program.** There is an account in the state
30 special revenue fund for crime prevention. The surcharge amount prescribed in 3-1-317(4)(b) must be deposited

1 in this account. The Montana board of crime control, provided for in 2-15-2006, shall administer the account for
2 the purposes of [sections 2 through 5].

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4 **NEW SECTION. Section 3. Crime prevention program.** (1) The Montana board of crime control shall
5 use the money in the account established in [section 2] to fund services and activities operated by nonprofit,
6 private, community-based organizations who support crime prevention activities and projects by local partnerships
7 that are interested in preventing crime and making communities safer.

8 (2) In administering the crime prevention program, the Montana board of crime control shall:

9 (a) identify priorities for funding services, identify the specific activities eligible for funding, and establish
10 the criteria for the receipt of program funds;

11 (b) monitor the expenditure of funds by organizations receiving funds under this section;

12 (c) evaluate the effectiveness of services and activities under this section; and

13 (d) adopt rules necessary to implement [sections 2 through 5].

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15 **NEW SECTION. Section 4. Gifts and grants.** The Montana board of crime control may accept gifts,
16 grants, and donations for the crime prevention program established pursuant to [sections 2 through 5]. Upon
17 receipt of any gift, grant, or donation, the money must be deposited in the account established in [section 2].

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19 **NEW SECTION. Section 5. Program costs -- restrictions on use of funds.** (1) The costs incurred
20 by the Montana board of crime control in administering the crime prevention program must be paid with money
21 from the account established in [section 2]. The board shall keep costs to a minimum and shall use the board's
22 existing office space, personnel, equipment, and supplies to the extent possible.

23 (2) Money in the crime prevention program account may not be used to pay the expenses of any other
24 program or service administered in whole or in part by the Montana board of crime control or the department of
25 justice.

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27 **NEW SECTION. Section 6. Codification instruction.** [Sections 2 through 5] are intended to be codified
28 as an integral part of Title 44, chapter 4, and the provisions of Title 44, chapter 4, apply to [sections 2 through 5].

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30 **NEW SECTION. Section 7. Effective date.** [This act] is effective July 1, 2011.

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