



CITY OF BILLINGS

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EXHIBIT 20
DATE 3/11/05
SB 279

March 10, 2005

VIA FACSIMILE (406.444.4825)

House Judiciary Committee
~~The Honorable Jeanne Windham~~
Montana House of Representatives

Dear Representative Windham:

The City of Billings, through Representative Moss, is sponsoring Senate Bill 279. This bill expands M.C.A. § 7-1-4150 to allow municipalities to decriminalize state offenses with the sole penalty of a fine. I have been asked by the City to write this letter to provide the judicial perspective on this bill.

As the judge in Montana's largest municipal court, I believe that I have a unique perspective. Currently, Billings Municipal Court handles approximately 30,000 cases annually. A significant number of these cases involve offenses for which state law precludes the imposition of jail time. In each of these cases, the defendant must be advised of his or her rights and the maximum penalties associated with the offense charged. Each must be properly advised of the process and consequences of knowingly and voluntarily waiving those rights if he or she wishes to enter a plea of guilty. Each must also be advised of his or her constitutional right to trial by a judge or a jury if they enter a not guilty plea.

On average, approximately 600 defendants are scheduled for criminal arraignments each week. This includes many who are cited for a simple traffic offense. The lines both into and out of the courtroom are long. I conduct the hearings as efficiently and effectively as possible, spending only a limited amount of time with each defendant; nevertheless, arraignment hearings consistently last three hours or more. This court is not alone; the other municipal courts in this state also handle similar caseloads and face similar circumstances.

Many of these cases involve "fender benders" where individuals were either brand-new drivers or had maintained a clean driving history all of their lives. Under our current criminal system, these defendants, including a parent or legal guardian in those cases involving minors, waited hours in the courtroom to appear before the bench to enter a guilty plea and receive a fine and a traffic school referral. They did so to keep a clean driving record.

BillingsPride:
City-wide

Pursuant to M.C.A. § 7-1-4150, cities have the authority to decriminalize minor city ordinance violations, making them a civil infraction. By expanding this statute to decriminalize state offenses which are punishable by a fine only, the individual cited would have the option to simply pay the fee in person or by mail and forego appearing before the judge while still maintaining a clean criminal record. This expansion would improve access to courts, as the number of citizens appearing at open court arraignments would be lessened and the waiting time to see the judge or to be assisted by the Clerk of Court would be reduced. As many other states have found, decriminalization of minor offenses results in shortened courtroom lines and allows judges to devote more time to complex cases and the litigants involved therein.

In those cases in which a more serious offense occurred, law enforcement officers would still have the discretion to charge the offense criminally based upon the circumstances surrounding the subject incident.

I appreciate your consideration, and hope that you will support passage of SB 279. Should you have any questions or need additional information from me, please do not hesitate to contact me either by telephone at 247-8690 or via e-mail at kniselymj@ci.billings.mt.us.

Sincerely,

/s/

Mary Jane Knisely
Municipal Court Judge

MJK:jrg