



MONTANA
COALITION AGAINST
DOMESTIC AND SEXUAL
VIOLENCE

HB 476
Senate Finance, 4/6/05

SENATE FINANCE AND CLERK
COMMITTEE NO. 14
DATE 4-6-05
BILL NO. HB 476

A PFMA is a Partner and Family Member Assault, a domestic violence assault. A bill came before this legislature earlier this session carried by Senator Williams to make strangulation in the course of a PFMA a felony, given the potential lethality of it. Fiscal note: 3 million. Interestingly, the fiscal note wasn't based on the time served by felony PFMA offenders because the model isn't there. No one's charged with PFMA felonies. Currently, in the PFMA statutes, the 3rd offense *may* be charged as a felony, but it never is. Rep. Windy Boy had a bill to require that the 3rd, and the 2nd PFMA, be charged as felonies. Fiscal note: 18 million. So, given the price tags, neither of these bills got far. Our situation is that because domestic violence is so prevalent, we can't afford to treat it seriously, and because we can't afford to treat it seriously, it continues to be prevalent. As a result, PFMA's are routinely charged as misdemeanors, whether a partner was strangled or it's the perpetrator's 3rd, 4th, or 5th offense. Now here's the kicker: only three counties in Montana have adult misdemeanor probation officers and they are dealing with every adult misdemeanor, every DUI, as well as the PFMA's in these three communities.

So, what we have are hundreds of PFMA offenders who have been given penalties and fines and counseling requirements, and basically, there's no one there to make them do it.

This is a simple bill that attempts to address this problem. HB 476 raises marriage license fees by \$13 to create grants to two communities for domestic violence misdemeanor probation officers. The grants will be administered through the Board of Crime Control, granted through a competitive process, and modeled after the program in Lewis and Clark County. The grants will expect that the position be self-supporting within two years as a result of increased fine collection. The position was self-sufficient within two years in Lewis and Clark. Consider what that means in terms of the uncollected fines that is the current status quo. We do appreciate concerns about fee increases, but the source identified in this bill is a common funding stream for domestic violence services in other states. The marriage license fee has not increased in MT since 1981, that's 24 years.

Although we focus on fine collection to stress the ability of the this system to be self-supporting, it is also important to recognize that offenders will also be held accountable for other parts of their sentences such as counseling. This can only be good for individuals, families, and society. Most importantly, it may reduce repeat offending and save lives. According to the Domestic Violence Fatality Review, Lewis and Clark County is the only one of the seven major counties in the past four years not to have a domestic violence fatality. It is also the only county during that time that had a misdemeanor probation officer for domestic violence offenders

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We urge your support on HB 476.