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Chairwoman Carolyn Squires and Committee Members
State Administration Committee
Helena, MT 59620

STATE FINANCE AND CLERK
CHECK NO. 7
DATE 4-11-05
CASE NO. HB 288

Re: HB288 - Corrections to collect supervisory fees instead of clerk of court

Dear Chairwoman Squires and Committee Members:

I am writing with regard to House Bill 288. It is a high priority of the Montana Association of Clerks of District Court to change the current system for collection of supervision fees. At our convention in June of 2004, we discussed this situation at length and have worked diligently to support the changes reflected in House Bill 288. In fact, this bill is sponsored by Rep. Mark Noennig at the request of the Montana Association of Clerks of District Court.

In October of 2003, legislation went into effect that made collecting and supervising the payment of restitution the responsibility of the Department of Corrections. Prior to this time, our offices had collected these fees along with the supervision fees, but we received twenty percent (20%) of the amount collected in supervision fees as an administrative fee. After the statute changes, we continued to have to collect the supervision fees, but the 20% administrative fee *mysteriously* disappeared.

I have compiled information regarding the amount of money collected in supervision fees from January 1 to December 31, 2004 by the Clerks of District Court throughout the state. Enclosed herewith is a table containing that data.

As you can see, we collected a total of \$546,925.87. Twenty percent of this figure is \$109,385.19, which is adequate funding for this program to pay for itself within the Department of Corrections.

The process by which my office must accept, receipt, and forward payments of supervision fees to the Department of Corrections is burdensome and time-consuming. The payments come into our office in either \$10.00 or \$15.00 increments. My office collected \$85,058.50 in supervision fees in the 2004 calendar year. That means that over 5,670 payments had to be receipted and processed by Yellowstone County. Frequently, the person making a payment requests an additional copy of their receipt for their probation officer as proof of payment. Additionally, the Accounts Clerk, an employee in my office, generates a report each month for the Probation and Parole Office showing the payments receipted by our office. For each payment received, a receipt must be generated in our computer system. The payment is then endorsed to the Yellowstone County Treasurer. The treasurer then generates a check for payment to the Department of Corrections. These complicated steps are absolutely unnecessary.

In addition to the complications inherent in this process, this job is a state function currently being performed by county offices.

The Department of Corrections currently has a system which allows them to accept and receipt payments received for restitution. The same system should be able to be used for the collection of the required supervision fees. I urge you to pass House Bill 288 as it provides a simple solution to this currently convoluted process.

Thank you.

Sincerely,

Laura A. Brent
Clerk of District Court
Yellowstone County

enclosure