

SENATE BILL NO. 359

INTRODUCED BY J. WINDY BOY

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A BILL FOR AN ACT ENTITLED: "AN ACT ASSESSING A SURCHARGE ON CONVICTIONS FOR FISH AND GAME VIOLATIONS; REQUIRING THAT SURCHARGE MONEY BE EXPENDED BY A BOARD OF COUNTY COMMISSIONERS FOR ACTIVITIES CONDUCTED BY YOUTH ORGANIZATIONS IN THE COUNTY; AND AMENDING SECTION 87-1-103, MCA."

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

NEW SECTION. **Section 1. Surcharge on fish and game violations.** (1) As a condition of sentencing, upon conviction for any violation of a criminal provision of this title, the sentencing court shall, in addition to any fine or penalty, assess a surcharge of \$100 to be paid by the violator. Surcharge money must be deposited with the county treasurer of the county where the violation occurred and may be expended only as provided in [section 2].

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

NEW SECTION. **Section 2. Deposit of fish and game violation surcharge -- expenditure by counties for youth programs.** (1) Surcharge money deposited with the county treasurer pursuant to [section 1] may be expended by the board of county commissioners only to help fund the activities of bona fide organizations that serve youth in the county.

(2) Money derived from the surcharge in [section 1] must be accounted for by the county treasurer in a separate fund. All claims against the fund must be presented and acted upon in the same manner as are all other claims against the county.

Section 3. Section 87-1-103, MCA, is amended to read:

"87-1-103. Fines, bonds, and penalties, and surcharge. All fines, bonds, and penalties mentioned in this title and the surcharge established in [section 1] may be collected by civil action in the name of the state in any court of competent jurisdiction. All fines, bonds, and costs ~~shall~~ and the surcharge established in [section 1]



1 must be collected without a stay of execution."

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3 **NEW SECTION. Section 4. Codification instruction.** (1) [Section 1] is intended to be codified as an
4 integral part of Title 87, chapter 1, part 1, and the provisions of Title 87, chapter 1, part 1, apply to [section 1].

5 (2) [Section 2] is intended to be codified as an integral part of Title 7, chapter 16, part 21, and the
6 provisions of Title 7, chapter 16, part 21, apply to [section 2].

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