

HB 149**An Act Revising the Collection of Restitution and Supervisory Fees by the Department of Corrections from an Individual Convicted of a Criminal Offense; Amending Sections 46-18-241 and 46-23-1031, MCA; and Providing an Immediate Effective Date and Retroactive Applicability Dates.****Section 1:**

HB149 revises the condition of restitution to require an offender to:

- 1) Pay restitution whether or not the offender is under State supervision.
- 2) Requires an offender to pay the cost of supervising the payment of restitution.

This bill strengthens the Department's ability to fulfill its legal obligation to collect restitution by requiring an offender to pay whether or not they are currently under State supervision. There are offenders that stop paying restitution because of a belief that they are no longer required to pay restitution once they are released from supervision. Revising this statute clarifies that the obligation to pay restitution is binding regardless of whether or not the offender was released from supervision.

The statute currently requires an offender to pay a 10% Administrative Fee for the supervision of restitution which the courts typically order during sentencing. Revising this statute to require the offender to pay the cost of supervising the payment of restitution in all cases will allow the Collections Unit to collect the fee from windfall revenues such as tax returns or large settlements should they become available which will ensure the Unit is able remain viable and serve the victims of the State of Montana.

Section 2:

Section 2 of the bill addresses a discrepancy between the law and how supervisory fees are assessed in the field. Currently, district courts impose supervisory fees on all offenders on any type of community supervision such as probation and parole. The statute, however, could be interpreted to restrict supervisory fees to people who are under intensive supervision or conditional release. The department would like to make the statute conform to current district court practice and impose supervisory fees on probationers and parolees, regardless of whether they are under intensive supervision or conditional release.