

Exhibit No. 1Date 3-25-11Amendments to Senate Bill No. 187
2nd Reading CopyBill No. SB187

Requested by Senator Jim Shockley

For the Senate Finance and Claims Committee

Prepared by Valencia Lane
March 24, 2011 (4:47pm)

1. Title, line 8.

Following: "46-8-113,"**Insert:** "46-18-251,"

2. Title, line 9.

Strike: "IMMEDIATE"

3. Page 2, line 7.

Following: "culture"**Insert:** "and at least one member must have a background in the
diagnosis and treatment of mental illness"

4. Page 4, line 11 through line 22.

Strike: subsection (6) in its entirety**Renumber:** subsequent subsections

5. Page 4, line 27 through line 30.

Strike: subsection (b) in its entirety**Renumber:** subsequent subsection

6. Page 5, line 3.

Following: "of the"**Insert:** "court"

7. Page 5, line 3 through line 4.

Following: "order" on line 3**Strike:** remainder of line 3 through "defender" on line 4

8. Page 5, line 11.

Following: "compensate the"**Strike:** "office of state public defender"**Insert:** "state"

9. Page 5, line 19 through line 20.

Following: "counsel." on line 19**Strike:** "The" on line 19 through "defender." on line 20**Insert:** "All funds collected must be deposited in the state
general fund."

10. Page 5, line 23.

Strike: "(10) (b)"

Insert: "(9) (b)"

11. Page 5, line 26 through line 28.

Following: "counsel." on line 26

Strike: remainder of line 26 through "defender." on line 28

Insert: "All funds collected must be deposited in the state general fund."

12. Page 6, line 4.

Insert: "Section 4. Section 46-18-251, MCA, is amended to read:

"46-18-251. (Temporary) Allocation of fines, costs, restitution, and other charges. (1) Except as provided in 46-18-236(7)(b), if a misdemeanor offender is subjected to any combination of fines, costs, restitution, charges, or other payments arising out of the same criminal proceeding, money that the court collects from the offender must be allocated as provided in this section. A felony offender shall pay restitution and costs of counsel imposed pursuant to 46-8-113 to the department of corrections, and other fines and costs must be paid to the court and allocated as provided in this section.

(2) Except as otherwise provided in 46-18-236(7)(b) and this section, if a defendant is subject to payment of restitution and any combination of fines, costs, charges under the provisions of 46-18-236, or other payments, 50% of all money collected from the defendant must be applied to payment of restitution and the balance must be applied to other payments in the following order:

(a) payment of charges imposed pursuant to 46-8-113;

~~(a)~~ (b) payment of charges imposed pursuant to 46-18-236;

~~(b)~~ (c) payment of supervisory fees imposed pursuant to 46-23-1031;

~~(c)~~ (d) payment of costs imposed pursuant to 46-18-232 or 46-18-233;

~~(d)~~ (e) payment of fines imposed pursuant to 46-18-231 or 46-18-233; and

~~(e)~~ (f) any other payments ordered by the court.

(3) The money applied under subsection (2) to the payment of restitution must be paid in the following order:

(a) to the victim until the victim's unreimbursed pecuniary loss is satisfied;

(b) to the crime victims compensation and assistance program in the department of justice for deposit in the account provided for in 53-9-113 until the state is fully reimbursed for compensation to the victim provided pursuant to Title 53, chapter 9, part 1;

(c) to any other government agency that has compensated the victim for the victim's pecuniary loss; and

(d) to any insurance company that has compensated the victim for the victim's pecuniary loss.

(4) If any fines, costs, charges, or other payments remain

unpaid after all of the restitution has been paid, any additional money collected must be applied to payment of those fines, costs, charges, or other payments. If any restitution remains unpaid after all of the fines, costs, charges, or other payments have been paid, any additional money collected must be applied toward payment of the restitution. (Terminates June 30, 2015--sec. 14, Ch. 374, L. 2009.)

46-18-251. (Effective July 1, 2015) Allocation of fines, costs, restitution, and other charges. (1) Except as provided in 46-18-236(7)(b), if an offender is subjected to any combination of fines, costs, restitution, charges, or other payments arising out of the same criminal proceeding, money collected from the offender must be allocated as provided in this section.

(2) Except as otherwise provided in 46-18-236(7)(b) and this section, if a defendant is subject to payment of restitution and any combination of fines, costs, charges under the provisions of 46-18-236, or other payments, 50% of all money collected from the defendant must be applied to payment of restitution and the balance must be applied to other payments in the following order:

- (a) payment of charges imposed pursuant to 46-8-113;
- ~~(a)~~(b) payment of charges imposed pursuant to 46-18-236;
- ~~(b)~~(c) payment of supervisory fees imposed pursuant to 46-23-1031;
- ~~(c)~~(d) payment of costs imposed pursuant to 46-18-232 or 46-18-233;
- ~~(d)~~(e) payment of fines imposed pursuant to 46-18-231 or 46-18-233; and
- ~~(e)~~(f) any other payments ordered by the court.

(3) The money applied under subsection (2) to the payment of restitution must be paid in the following order:

- (a) to the victim until the victim's unreimbursed pecuniary loss is satisfied;
- (b) to the crime victims compensation and assistance program in the department of justice for deposit in the state general fund until the state is fully reimbursed for compensation to the victim provided pursuant to Title 53, chapter 9, part 1;
- (c) to any other government agency that has compensated the victim for the victim's pecuniary loss; and
- (d) to any insurance company that has compensated the victim for the victim's pecuniary loss.

(4) If any fines, costs, charges, or other payments remain unpaid after all of the restitution has been paid, any additional money collected must be applied to payment of those fines, costs, charges, or other payments. If any restitution remains unpaid after all of the fines, costs, charges, or other payments have been paid, any additional money collected must be applied toward payment of the restitution."

{Internal References to 46-18-251:

ok 46-18-236 ok 46-18-236 }"

Renumber: subsequent sections

13. Page 14, line 13.

Strike: "11"

Insert: "12"

14. Page 14, line 14.

Strike: "11"

Insert: "12"

15. Page 14, line 16.

Following: "effective"

Strike: "on passage and approval"

Insert: "July 1, 2011"

- END -