

SB 151 – Provide a Court Surcharge to Fund Montana Crime Prevention Association

TESTIMONY

FOR SENATE JUDICIARY COMMITTEE

DATE: January 18, 2011

Mr. Chair, Members of the Committee, for the record, my name is Mary Phippen.

I represent the Montana Magistrates' Association. While we commend Senator Brown for presenting this Bill in order to create and fund a crime prevention program, nevertheless, while the intent is good, the funding source is the issue that the Magistrates are opposing.

Blacks' Law Dictionary defines the noun "Surcharge" to mean: "An additional tax, charge or cost. This surcharge would be imposed in addition other fines, penalties, and costs. Currently, the Courts of Limited Jurisdiction are charged with the responsibility of collecting existing surcharges, fines, penalties and restitution. At times, collection is very difficult and time-consuming when individuals cannot pay these costs in a one-time payment. With the current economy and loss of jobs the Magistrates' duty to assess and collect these costs has become even more difficult. By mandating that the Court assess an additional surcharge would further impede the collection of these costs.

It is the position of the Montana Magistrates' Association to oppose any surcharges and the Association has taken the stance that this Bill should NOT be the tool to fund a crime prevention program through implementation of a surcharge. The judiciary should NOT be charged with the responsibility of raising funds for this purpose.

We would appreciate the Committee voting "No" to this Bill and we hope that another funding source will be made available to fund this program. Thank you.