

HB 69 – Provide a Court Surcharge to Partially Fund a Program for the Prevention of Inmate Suicide in Local Government Detention Centers

For: House Judiciary Committee Hearing on January 9, 2013

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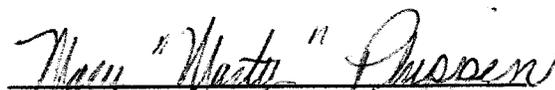
While the Magistrates commend Representative Lavin and the Interim Law and Justice Committee for presenting this Bill in order to create and fund a Suicide Prevention Program, nevertheless, while the intent is good, the funding source is the issue that the Montana Magistrates are opposing.

Blacks’ Law Dictionary defines the noun “Surcharge” to mean”: “An additional tax, charge or cost.” This surcharge would be imposed in addition to other fines, penalties, costs and restitution. 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 assessments in a one-time payment. Surcharges must be collected and distributed first BEFORE fines and restitution are collected and distributed. With the downturn in the economy and job losses, the Magistrates’ duty to assess and collect these costs has become even more difficult. By mandating that the Court imposes an additional surcharge would further impede the collection of fines and restitution, thus impeding funding for the State, County or City coffers as well as reimbursing victims.

Currently, 3-1-318 mandates a ten dollar (\$10) surcharge for funding of the law enforcement academy; 3-1-317 mandates a ten dollar (\$10) surcharge for court automation; and 46-18-236 mandates fifteen (\$15) dollars to fund deputy County Attorneys.

While the Magistrates applaud the idea of trying to find a funding source for this program, it is the position of the Montana Magistrates’ Association to oppose any surcharges. The Association has taken the stance that this Bill should NOT be the tool to fund a suicide prevention program through implementation of a surcharge. The Judiciary should NOT be charged with the responsibility of raising funds for this purpose.

The Montana Magistrates Association would appreciate the committee voting “No” to this Bill and they do hope that another funding source will be made available to fund this program. Thank you.


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