

HOUSE BILL NO. 233

INTRODUCED BY T. SCHMIDT, J. BOHLINGER

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING MUNICIPAL AND CITY COURTS TO ASSIGN THE COLLECTION OF FINES TO PRIVATE PERSONS OR ENTITIES; AND AMENDING SECTIONS 25-30-102, 46-17-303, AND 46-17-402, MCA."

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

Section 1. Section 25-30-102, MCA, is amended to read:

"25-30-102. Fees and fines. (1) The fees and fines in municipal court shall must be the same as the fees and fines provided by law or ordinance, and except as provided in subsection (2), all fees and fines collected by the court shall must be paid into the city treasury.

(2) (a) If a final judgment is entered for a fine and the fine is immediately due, the municipal court may contract with a private person or entity for the collection of the fine.

(b) In the event that a private person or entity is retained to collect a fine, the municipal court is authorized to assign the judgment for the fine to the private person or entity and the private person or entity may, as an assignee, institute suit or other lawful collection procedure in its own name.

(c) The municipal court, after deducting the charges provided for in 46-18-236, is authorized to pay to the private person or entity a reasonable fee for collecting the fine."

Section 2. Section 46-17-303, MCA, is amended to read:

"46-17-303. Deposit of fines. (1) Except as provided in subsection (2), all All fines imposed and collected by a city court must be paid to the treasurer of the county, city, or town, as the case may be, within 30 days after the of receipt of the same. The city judge must take duplicate receipts therefor, one of which he must deposit shall file a copy of any receipt given for a collected fine with the county, city, or town clerk, as the case may be.

(2) (a) If a final judgment is entered for a fine and the fine is immediately due, the city court may contract with a private person or entity for the collection of the fine.

(b) In the event that a private person or entity is retained to collect a fine, the city court is authorized to

1 assign the judgment for the fine to the private person or entity and the private person or entity may, as an
2 assignee, institute suit or other lawful collection procedure in its own name.

3 (c) The city court, after deducting the charges provided for in 46-18-236, is authorized to pay to the
4 private person or entity a reasonable fee for collecting the fine."

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6 **Section 3.** Section 46-17-402, MCA, is amended to read:

7 **"46-17-402. Fees and fines.** (1) The fees and fines in municipal court ~~shall~~ must be the same as the
8 fees and fines provided by law or ordinance, and except as provided in subsection (2), all fees and fines collected
9 by the court ~~shall~~ must be paid into the city treasury.

10 (2) (a) If a final judgment is entered for a fine and the fine is immediately due, the municipal court may
11 contract with a private person or entity for the collection of the fine.

12 (b) In the event that a private person or entity is retained to collect a fine, the municipal court is
13 authorized to assign the judgment for the fine to the private person or entity and the private person or entity may,
14 as an assignee, institute suit or other lawful collection procedure in its own name.

15 (c) The municipal court, after deducting the charges provided for in 46-18-236, is authorized to pay to
16 the private person or entity a reasonable fee for collecting the fine."

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