

HOUSE BILL NO. 455
INTRODUCED BY R. STOKER

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING MUNICIPAL, JUSTICES', AND CITY COURTS TO ACCEPT OVER A PERIOD OF TIME THE PAYMENT OF FINES OR CIVIL PENALTIES FOR CERTAIN OFFENSES OR MUNICIPAL INFRACTIONS; ~~AND~~ SPECIFYING THAT THE OFFENDER IS ON PROBATION UNTIL THE FINE OR PENALTY IS PAID; AND AMENDING SECTION 46-18-234, MCA."

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

NEW SECTION. **Section 1. Fines in municipal court payable while on probation.** If a municipal court imposes a fine for a criminal offense or a civil penalty for a municipal infraction, the court may allow the fine or penalty to be paid over a period of time as determined by the court. If the court allows payment over time, the court shall provide, in a written order, statement, or agreement with the defendant, the period of time over which the fine or penalty must be paid and that, in addition to any other probationary period provided by statute, the defendant is on probation until the fine or penalty is paid. If the defendant fails to pay the fine or penalty in the period of time allowed by the court, the court may revoke the defendant's probation. The court retains jurisdiction over the defendant until the defendant complies with the order, statement, or agreement.

~~NEW SECTION. Section 2. Fines in justice's court payable while on probation.~~ If a justice's court imposes a fine for a criminal offense, the court may allow the fine to be paid over a period of time as determined by the court. If the court allows payment over time, the court shall provide, in a written order, statement, or agreement with the defendant, the period of time over which the fine or penalty must be paid and that, in addition to any other probationary period provided by statute, the defendant is on probation until the fine is paid. If the defendant fails to pay the fine in the period of time allowed by the court, the court may revoke the defendant's probation. The court retains jurisdiction over the defendant until the defendant complies with the order, statement, or agreement.

NEW SECTION. **Section 2. Fines in city court payable while on probation.** If a city court imposes a fine for a criminal offense or a civil penalty for a municipal infraction, the court may allow the fine or penalty to be paid over a period of time as determined by the court. If the court allows payment over time, the court shall

provide, in a written order, statement, or agreement with the defendant, the period of time over which the fine or penalty must be paid and that, in addition to any other probationary period provided by statute, the defendant is on probation until the fine or penalty is paid. If the defendant fails to pay the fine or penalty in the period of time allowed by the court, the court may revoke the defendant's probation. The court retains jurisdiction over the defendant until the defendant complies with the order, statement, or agreement.

SECTION 3. SECTION 46-18-234, MCA, IS AMENDED TO READ:

"46-18-234. When payment of fine or costs due. (1) Whenever a defendant is sentenced to pay a fine or costs under 46-18-231 or 46-18-232, the court may grant permission for payment to be made within a specified period of time or in specified installments. If ~~no such~~ permission is not included in the sentence, the payment is due immediately.

(2) If a justice's court imposes a fine for a criminal offense, the court may allow the fine to be paid over a period of time as determined by the court. If the court allows payment over time, the court shall provide, in a written order, statement, or agreement with the defendant, the period of time over which the fine or penalty must be paid and that, in addition to any other probationary period provided by statute, the defendant is on probation until the fine is paid. If the defendant fails to pay the fine in the period of time allowed by the court, the court may revoke the defendant's probation. The court retains jurisdiction over the defendant until the defendant complies with the order, statement, or agreement."

NEW SECTION. Section 4. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 25, chapter 30, and the provisions of Title 25, chapter 30, apply to [section 1].

~~———(2) [Section 2] is intended to be codified as an integral part of Title 25, chapter 31, and the provisions of Title 25, chapter 31, apply to [section 2].~~

~~(3)(2) [Section 3] [SECTION 2] is intended to be codified as an integral part of Title 3, chapter 11, and the provisions of Title 3, chapter 11, apply to [section 3] [SECTION 2].~~

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