

**SJR 40 Study:
Preliminary Recommendations
LC0071: Prosecution Services Revision Act**

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for the
Law and Justice Interim Committee

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***See underlined italics for changes**

This paper is a discussion outline for LC 71 (Prosecution Services Revision Act), which will be considered at the Law and Justice Interim Committee's (LJIC) May 11-12, 2006, meeting. The attached bill draft is based on the preliminary instructions of the LJIC at its March 22-23, meeting in Billings. The bill draft is for discussion purposes only and is subject to change by the LJIC.

County Attorney Salaries

1. a. The state's share of county attorney salaries (which is now 50% of the county-set salary, subject to state appropriation) will be paid by increasing the base entitlement share paid annually to county and consolidated governments. The increase will be calculated as follows:
 - (i) if the state's current payment for a county attorney's salary is less than 50% of 75% of the district judge salary, the difference will be added to the base entitlement share amount as a "bump" to 50% of the new minimum (i.e., 75% of the district judge salary); and
 - (ii) a "health insurance factor" of \$3,600 (which is 50% of the employer contribution to state health insurance) will also be added to each county and consolidated government's base entitlement share payment.
- b. As currently provided, the annual entitlement share payment to each county and consolidated government will be adjusted annually using the "growth rate" formula set forth in section 15-1-121, MCA.
2. a. County attorneys will no longer receive a state paycheck, so will be paid solely by the county or consolidated government).
- b. County compensation boards will continue to set the salary, subject to the minimum discussed in paragraph 3 below.
- c. The Department of Justice will no longer be required to include county attorney payroll in it's biennial budget.

- d. County and consolidated government's will no longer be required to provide county attorney payroll data to the Department of Justice.
3. A statutory minimum salary will be changed from \$50,000 (depending on population) to 75% of a district judge's salary. The district judge salary is set according to a salary survey conducted every two years pursuant to section 3-5-211, MCA. Part-time county attorney salaries will be prorated accordingly.

State Crime Lab

4. The amount appropriated to the Department of Justice for the Forensic Science Division will be sufficient to accomplish the following improvements for the state crime lab:
 - a. the addition of a Toxicology Scientist (which was recommended in an audit by the American Board of Forensic Toxicology);
 - b. the addition of a scientist in the Impression/Latent Print section, which processes information about evidence and is needed to address a serious backlog; and
 - c. salary increases (ranging from 9% to 15%) for Forensic Science Division staff to bring all division salaries to at least the market rate for new hires, the market mid-point for experienced staff, and the market maximum for the most experienced staff.

Prosecution Services Bureau

5. The amount appropriated to the Department of Justice for its Legal Services Division would be sufficient for the addition of four attorneys. Legislative intent is that two of the attorneys would be added as general prosecutors in the Prosecution Services Bureau (PSB), which assists county attorneys upon request. The other two attorneys would specialize in prosecuting child abuse and neglect cases handled by PSB's Child Protection Unit.