

Montana Code Annotated 2013

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46-18-251. (Temporary) Allocation of fines, costs, restitution, and other charges. (1) Except as provided in [46-18-236\(7\)\(b\)](#), if a misdemeanor offender is subjected to any combination of fines, costs, restitution, charges, or other payments arising out of the same criminal proceeding, money that the court collects from the offender must be allocated as provided in this section. A felony offender shall pay restitution to the department of corrections, and other fines and costs must be paid to the court and allocated as provided in this section.

(2) Except as otherwise provided in [46-18-236\(7\)\(b\)](#) and this section, if a defendant is subject to payment of restitution and any combination of fines, costs, charges under the provisions of [46-18-236](#), or other payments, 50% of all money collected from the defendant must be applied to payment of restitution and the balance must be applied to other payments in the following order:

- (a) payment of charges imposed pursuant to [46-18-236](#);
- (b) payment of supervisory fees imposed pursuant to [46-23-1031](#);
- (c) payment of costs imposed pursuant to [46-18-232](#) or [46-18-233](#);
- (d) payment of fines imposed pursuant to [46-18-231](#) or [46-18-233](#); and
- (e) any other payments ordered by the court.

(3) The money applied under subsection (2) to the payment of restitution must be paid in the following order:

- (a) to the victim until the victim's unreimbursed pecuniary loss is satisfied;
- (b) to the crime victims compensation and assistance program in the department of justice for deposit in the account provided for in [53-9-113](#) until the state is fully reimbursed for compensation to the victim provided pursuant to Title 53, chapter 9, part 1;
- (c) to any other government agency that has compensated the victim for the victim's pecuniary loss; and
- (d) to any insurance company that has compensated the victim for the victim's pecuniary loss.

(4) If any fines, costs, charges, or other payments remain unpaid after all of the restitution has been paid, any additional money collected must be applied to payment of those fines, costs, charges, or other payments. If any restitution remains unpaid after all of the fines, costs, charges, or other payments have been paid, any additional money collected must be applied toward payment of the restitution. *(Effective July 1, 2015)*

46-18-251. (Effective July 1, 2015) . Allocation of fines, costs, restitution, and other charges.

(1) Except as provided in [46-18-236\(7\)\(b\)](#), if an offender is subjected to any combination of fines, costs, restitution, charges, or other payments arising out of the same criminal proceeding, money collected from the offender must be allocated as provided in this section.

(2) Except as otherwise provided in [46-18-236\(7\)\(b\)](#) and this section, if a defendant is subject to payment of restitution and any combination of fines, costs, charges under the provisions of [46-18-236](#), or other payments, 50% of all money collected from the defendant must be applied to payment of restitution and the balance must be applied to other payments in the following order:

- (a) payment of charges imposed pursuant to [46-18-236](#);
- (b) payment of supervisory fees imposed pursuant to [46-23-1031](#);
- (c) payment of costs imposed pursuant to [46-18-232](#) or [46-18-233](#);
- (d) payment of fines imposed pursuant to [46-18-231](#) or [46-18-233](#); and
- (e) any other payments ordered by the court.

(3) The money applied under subsection (2) to the payment of restitution must be paid in the following order:

(a) to the victim until the victim's unreimbursed pecuniary loss is satisfied;

(b) to the crime victims compensation and assistance program in the department of justice for deposit in the state general fund until the state is fully reimbursed for compensation to the victim provided pursuant to Title 53, chapter 9, part 1;

(c) to any other government agency that has compensated the victim for the victim's pecuniary loss; and

(d) to any insurance company that has compensated the victim for the victim's pecuniary loss.

(4) If any fines, costs, charges, or other payments remain unpaid after all of the restitution has been paid, any additional money collected must be applied to payment of those fines, costs, charges, or other payments. If any restitution remains unpaid after all of the fines, costs, charges, or other payments have been paid, any additional money collected must be applied toward payment of the restitution.

History: En. Sec. 20, Ch. 125, L. 1995; amd. Sec. 6, Ch. 181, L. 1997; amd. Sec. 5, Ch. 186, L. 1997; amd. Sec. 2, Ch. 398, L. 1999; amd. Sec. 6, Ch. 118, L. 2001; amd. Sec. 6, Ch. 374, L. 2009.

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