



NEWS ADVISORY

Sept. 18, 2018

For immediate release

CITY COURT SURCHARGE NEWS UPDATE

The Missoula City Council voted unanimously last night to drop the current \$25 City surcharge on violations of Montana state laws that are processed through City of Missoula Municipal Court. The Council also asked City staff to develop a process for people to apply for and receive refunds of any such City surcharge amounts that they paid.

Council members took this action in response to last week's Montana Supreme Court decision, which found the City Council-adopted surcharge to be inappropriate; Montana state law does not expressly authorize a Montana local government to impose its own surcharge on violations of state laws. The surcharge will remain in effect for any violations of City of Missoula Municipal Code (ordinance) violations.

Judge Kathleen Jenks and her staff expect to have a refund application form and refund procedure process in place by Nov. 1.

'We want to design a process that will make it easy for people to claim their refunds,' she said. "But that will take us some time."

Judge Jenks and her staff will also have to figure out how to staff the effort, which is beyond the capacity of the regular court staff. Missoula Municipal Court is the busiest municipal court in the state.

The surcharge has been in place since July 2003, beginning at \$5. Its purpose was to help fund the City court system, acting like a user fee to relieve some of the expense for property tax

payers. Today, \$7 of the fee helps support the prosecution work of the City Attorney's Office. The Montana State Legislature expects cities to enforce state laws but does not fund their efforts. Fine revenues alone do not support the costs of that enforcement throughout the system – police, courts and attorneys. A number of Montana cities, including Billings and Helena, have adopted surcharges to supply partial funding.

City staff do not yet know what the financial impact to the City will be. Court data from the last five years show thousands of transactions involving the surcharge. Court staff will have to analyze data for the 15 years that the surcharge has been in place. They will also have to work with the changing rate of the surcharge, surcharges that were never collected, name changes of defendants and other complexities.

We will continue to notify the public as the work on a refund system progresses, with updates to local news media and directly to the public on the City website.

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