

Intoxicating Liquors—Costs—Fines.

Section 11084, Revised Codes of 1921, construed as not permitting deductions to be made from fines for the costs of the trial of an action but only the costs incurred in connection with the arrest and maintenance of the defendant.

F. S. P. Foss, Esq.,
County Attorney,
Glendive, Montana.

My dear Mr. Foss:

You have requested my opinion as to whether Section 11084 of the Revised Codes of 1921 allows the costs of the trial in liquor violation cases to be deducted from the fines before dividing the balance as therein provided.

The last three lines of this section define the term "costs" as used in this section as follows:

"The term 'costs' as herein used shall mean to include all costs incurred in connection with the arrest and all costs for the maintenance of the defendant or defendants where a fine and jail sentence is imposed."

It is, therefore, my opinion that the costs of the trial of an action may not be deducted from the fines but that only the costs incurred in connection with the arrest and maintenance of the defendant may be deducted.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.