

1 *Senate* BILL NO. 36  
 2 INTRODUCED BY *Merley Jergeson Flynn*  
 3 *Michael Nealy*

4 A BILL FOR AN ACT ENTITLED: "AN ACT CHARGING COSTS OF  
 5 CRIMINAL PROSECUTIONS OF OFFENSES COMMITTED WITHIN THE STATE  
 6 PRISON TO THE STATE RATHER THAN THE COUNTY; AMENDING SECTION  
 7 16-3802, R.C.M. 1947."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 16-3802, R.C.M. 1947, is amended to  
 11 read as follows:

12 "16-3802. Enumeration of county charges -- limitation  
 13 as to state prison cases. (1) The following are county  
 14 charges:

15 1+(a) Charges incurred against the county by virtue of  
 16 any provision of this title.

17 2+(b) One-half of the salary of the county attorney,  
 18 and all expenses necessarily incurred by him in criminal  
 19 cases arising within the county.

20 3+(c) The salary and actual expenses for traveling  
 21 when on official duty allowed by law to sheriffs, and the  
 22 compensation allowed by law to constables for executing  
 23 process on persons charged with criminal offenses.

24 4+(d) The board of prisoners confined in jail.

25 5+(e) The sums required by law to be paid to grand and

1 trial jurors and witnesses in criminal cases.

2 6+(f) The accounts of the coroner of the county for  
 3 such services as are provided by law.

4 7+(g) All charges and accounts for services rendered  
 5 by any justice of the peace for services in the examination  
 6 or trial of persons charged with crime as provided for by  
 7 law.

8 8+(h) The necessary expenses incurred in the support  
 9 of county hospitals and poor farms, and the indigent sick  
 10 and the otherwise dependent poor whose support is chargeable  
 11 to the county.

12 9+(i) The contingent expenses necessarily incurred for  
 13 the use and benefit of the county.

14 10+(j) Every other sum directed by law to be raised  
 15 for any county purpose under the direction of the board of  
 16 county commissioners, or declared to be a county charge.

17 (2) Notwithstanding the preceding subsection, all  
 18 costs of a criminal prosecution, including attorneys' fees,  
 19 of an offense committed in the state prison are not charges  
 20 against the county in which the state prison is located.  
 21 Such costs shall be paid by the department of institutions."

-End-

Approved by Committee  
on State Administration

SENATE BILL NO. 36

INTRODUCED BY

*Senate*  
*Wayly Ferguson Flynn Jackson*  
*Michael Nealy*

A BILL FOR AN ACT ENTITLED: "AN ACT CHARGING COSTS OF  
CRIMINAL PROSECUTIONS OF OFFENSES COMMITTED WITHIN THE STATE  
PRISON TO THE STATE RATHER THAN THE COUNTY; AMENDING SECTION  
16-3802, R.C.M. 1947."

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

Section 1. Section 16-3802, R.C.M. 1947, is amended to  
read as follows:

"16-3802. Enumeration of county charges -- limitation  
as to state prison cases. (1) The following are county  
charges:

1\*(a) Charges incurred against the county by virtue of  
any provision of this title.

2\*(b) One-half of the salary of the county attorney,  
and all expenses necessarily incurred by him in criminal  
cases arising within the county.

3\*(c) The salary and actual expenses for traveling  
when on official duty allowed by law to sheriffs, and the  
compensation allowed by law to constables for executing  
process on persons charged with criminal offenses.

4\*(d) The board of prisoners confined in jail.

5\*(e) The sums required by law to be paid to grand and

trial jurors and witnesses in criminal cases.

6\*(f) The accounts of the coroner of the county for  
such services as are provided by law.

7\*(g) All charges and accounts for services rendered  
by any justice of the peace for services in the examination  
or trial of persons charged with crime as provided for by  
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8\*(h) The necessary expenses incurred in the support  
of county hospitals and poor farms, and the indigent sick  
and the otherwise dependent poor whose support is chargeable  
to the county.

9\*(i) The contingent expenses necessarily incurred for  
the use and benefit of the county.

10\*(j) Every other sum directed by law to be raised  
for any county purpose under the direction of the board of  
county commissioners, or declared to be a county charge.

(2) Notwithstanding the preceding subsection, all  
costs of a criminal prosecution, including attorneys' fees,  
of an offense committed in the state prison are not charges  
against the county in which the state prison is located.  
Such costs shall be paid by the department of institutions."

-End-

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*Senate* BILL NO. 36  
*Wayly Ferguson Flynn Larkin*  
*Mehner Healy*

A BILL FOR AN ACT ENTITLED: "AN ACT CHARGING COSTS OF CRIMINAL PROSECUTIONS OF OFFENSES COMMITTED WITHIN THE STATE PRISON TO THE STATE RATHER THAN THE COUNTY; AMENDING SECTION 16-3802, R.C.M. 1947."

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

Section 1. Section 16-3802, R.C.M. 1947, is amended to read as follows:

"16-3802. Enumeration of county charges -- limitation as to state prison cases. (1) The following are county charges:

1-(a) Charges incurred against the county by virtue of any provision of this title.

2-(b) One-half of the salary of the county attorney, and all expenses necessarily incurred by him in criminal cases arising within the county.

3-(c) The salary and actual expenses for traveling when on official duty allowed by law to sheriffs, and the compensation allowed by law to constables for executing process on persons charged with criminal offenses.

4-(d) The board of prisoners confined in jail.

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7-(g) All charges and accounts for services rendered by any justice of the peace for services in the examination or trial of persons charged with crime as provided for by law.

8-(h) The necessary expenses incurred in the support of county hospitals and poor farms, and the indigent sick and the otherwise dependent poor whose support is chargeable to the county.

9-(i) The contingent expenses necessarily incurred for the use and benefit of the county.

10-(j) Every other sum directed by law to be raised for any county purpose under the direction of the board of county commissioners, or declared to be a county charge.

(2) Notwithstanding the preceding subsection, all costs of a criminal prosecution, including attorneys' fees, of an offense committed in the state prison are not charges against the county in which the state prison is located. Such costs shall be paid by the department of institutions.

-End-

1 SENATE BILL NO. 36  
 2 INTRODUCED BY MANLEY, JERGESON, FLYNN,  
 3 GRAHAM, MEHRENS, HEALY  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CHARGING COSTS OF  
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