

HOUSE BILL NO. 589

Introduced: 01/31/83

Referred to Committee on Judiciary: 01/31/83

Hearing: 2/11/83

Report: 02/11/83, Do Pass

2nd Reading: 02/14/83, Do Pass

3rd Reading: 02/16/83, Do Pass

Transmitted to Senate: 2/16/83

Referred to Committee on Judiciary: 02/17/83

Hearing: 3/2/83

Report: 3/2/84, Be Concurred In

On Motion, 3/3/83, That The Bill Be Taken From Printing
and Rereferred to Committee on Judiciary. Motion Passed
Unanimously.

Hearing: 3/7/83

Report: 3/7/84, Be Not concurred In. Report Adopted.
Bill Killed

1 House BILL NO. 589
2 INTRODUCED BY Schuyler
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE A STATUTORY
5 CONFLICT WITH RESPECT TO CHARGING CERTAIN COSTS TO CONVICTED
6 DEFENDANTS; AMENDING SECTION 46-8-113, MCA."
7

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

9 Section 1. Section 46-8-113, MCA, is amended to read:
10 "46-8-113. Payment of costs of court-appointed counsel
11 by defendant -- condition of sentence. (1) Under the
12 provisions of 46-18-201, the court may require a convicted
13 defendant to pay the costs of court-appointed counsel as a
14 part of or a condition under his sentence.

15 (2) Costs must be limited to reasonable compensation
16 and costs incurred by the court-appointed counsel in the
17 criminal proceeding. Costs Except for costs provided in
18 46-18-232, costs may not include expenses inherent in
19 providing a constitutionally guaranteed jury trial or
20 expenditures in connection with the maintenance and
21 operation of government agencies that must be made by the
22 public irrespective of specific violations of law.

23 (3) The court may not sentence a defendant to pay the
24 costs of court-appointed counsel unless the defendant is or
25 will be able to pay them. In determining the amount and

1 method of payment of costs, the court shall take account of
2 the financial resources of the defendant and the nature of
3 the burden that payment of costs will impose.

4 (4) A defendant who has been sentenced to pay costs
5 and who is not in contumacious default in the payment
6 thereof may at any time petition the court that sentenced
7 him for remission of the payment of costs or of any unpaid
8 portion thereof. If it appears to the satisfaction of the
9 court that payment of the amount due will impose manifest
10 hardship on the defendant or his immediate family, the court
11 may remit all or part of the amount due in costs or modify
12 the method of payment."

-End-

Approved by Committee
on Judiciary

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-End-

-2- SECOND READING
HB 589

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2 INTRODUCED BY Lehman
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-End-