

HOUSE BILL NO. 109

1/07 Introduced
1/07 Referred to Judiciary
1/08 Hearing
1/08 Committee Report-Bill Do Pass
1/09 2nd Reading Pass
1/11 3rd Reading Pass

Transmitted to Senate

1/14 Referred to Judiciary
1/29 Hearing
2/01 Adverse Committee Report
2/01 Bill Killed

1 HOUSE BILL NO. 109
 2 INTRODUCED BY SCHYE

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-

THIRD READING
HB 109

