

HOUSE BILL 597

Introduced by Whalen

2/11	Introduced
2/11	Referred to Judiciary
2/11	First Reading
2/11	Fiscal Note Requested
2/15	Hearing
2/17	Fiscal Note Received
2/17	Fiscal Note Printed
2/17	Tabled in Committee

1 House BILL NO. 597
2 INTRODUCED BY Whalen

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A
5 DEFENDANT IN A CRIMINAL CASE MAY NOT BE ORDERED TO PAY JURY
6 COSTS; AND AMENDING SECTION 46-18-232, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 **Section 1.** Section 46-18-232, MCA, is amended to read:

10 "46-18-232. Payment of costs by defendant. (1) A court
11 may require a convicted defendant in a felony or misdemeanor
12 case to pay costs, as defined in 25-10-201, plus except
13 costs of jury service, as a part of his the sentence. Such
14 The costs shall must be limited to expenses specifically
15 incurred by the prosecution in connection with the
16 proceedings against the defendant.

17 (2) The court may not sentence a defendant to pay costs
18 unless the defendant is or will be able to pay them. In
19 determining the amount and method of payment of costs, the
20 court shall take into account the financial resources of the
21 defendant and the nature of the burden that payment of costs
22 will impose.

23 (3) A defendant who has been sentenced to pay costs and
24 who is not in default in the payment thereof may at any time
25 petition the court that sentenced him the defendant for

1 remission of the payment of costs or of any unpaid portion
2 thereof of the costs. If it appears to the satisfaction of
3 the court that payment of the amount due will impose
4 manifest hardship on the defendant or his the defendant's
5 immediate family, the court may remit all or part of the
6 amount due in costs or modify the method of payment."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0597, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

Provides that a defendant in a criminal case may not be ordered to pay jury costs.

ASSUMPTIONS:


1. The proposed bill will have no material fiscal impact on the District Court Reimbursement Program in the Judiciary.
2. The proposed bill may have some fiscal impact on local governments for jury expenses which would otherwise be the liability of defendants in criminal cases. The amount is not subject to reasonable estimate.

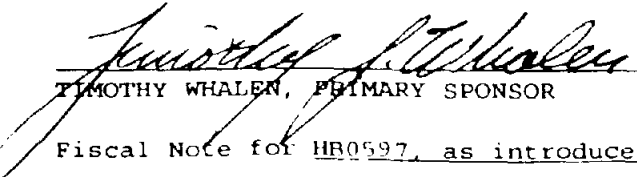
FISCAL IMPACT:

No material impact to the Judiciary or other state agencies.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The bill may increase jury expenses for cities and counties for cases heard in city and district courts.

 2-16-93
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/17
TIMOTHY WHALEN, PRIMARY SPONSOR DATE
Fiscal Note for HB0597, as introduced HB 597