

HOUSE BILL NO. 267

INTRODUCED BY R. STOKER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A DISTRICT COURT IN WHICH THERE WAS
5 A JURY TRIAL AFTER A JURY TRIAL ON THE SAME CHARGE IN A COURT OF LIMITED JURISDICTION
6 SHALL, AS A PART OF THE SENTENCE, REQUIRE A CONVICTED DEFENDANT IN A FELONY OR
7 MISDEMEANOR CASE TO PAY THE COSTS OF JURY SERVICE AND THE FIRST \$200 OF EXPENSES
8 SPECIFICALLY INCURRED BY THE PROSECUTION IN THE JURY TRIAL IN THE COURT OF LIMITED
9 JURISDICTION; AND AMENDING SECTIONS 46-18-232 AND 46-18-235, MCA."

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

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

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

18 (b) In addition to any costs ordered to be paid under subsection (1)(a), a district court in which there was
19 a jury trial after a jury trial on the same charge in a court of limited jurisdiction shall, as a part of the sentence,
20 require a convicted defendant in a felony or misdemeanor case to pay the costs of jury service and the first \$200
21 of expenses specifically incurred by the prosecution in the jury trial in the court of limited jurisdiction.

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

25 (3) A defendant who has been sentenced to pay costs and who is not in default in the payment ~~thereof~~
26 of the costs may at any time petition the court that sentenced ~~him~~ the defendant for remission of the payment
27 of costs or of any unpaid portion ~~thereof~~ of the costs. If it appears to the satisfaction of the court that payment
28 of the amount due will impose manifest hardship on the defendant or ~~his~~ the defendant's immediate family, the
29 court may remit all or part of the amount due in costs or modify the method of payment."

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