

Amendments to Senate Bill No. 146
2nd Reading Copy

Requested by Senator Dan McGee

For the Senate Finance and Claims Committee

Prepared by Valencia Lane
March 18, 2005 (7:41am)

1. Title, page 1, line 28.
Following: line 27
Strike: "26-2-505,"
2. Title, page 1, line 29.
Following: "41-5-111,"
Strike: "41-5-112,"
3. Page 3, line 17.
Following: "commission"
Strike: "may"
Insert: "shall"
4. Page 3, line 18.
Following: line 17
Strike: "provide that public defenders work with a court to
establish assignment rosters or other methodologies to"
5. Page 9, line 30.
Following: "(4)"
Insert: "establish processes and procedures to"
6. Page 12, line 12.
Following: "(b)"
Strike: "consult with the courts within the region and"
Following: "establish"
Strike: "agreed-upon"
7. Page 14, line 1.
Strike: subsection (a) in its entirety
Renumber: subsequent subsections
8. Page 14, line 8.
Following: "Eligibility --"
Strike: "processing fee --"
9. Page 14, line 9.
Following: "indigence --"
Strike: "contributions toward costs --"

10. Page 14, line 30.

Following: "application"

Strike: "or pay the processing fee"

Following: "in"

Insert: "civil"

11. Page 15, line 8.

Strike: "and"

Insert: "or"

12. Page 16, line 11.

Following: "screening"

Strike: "and collect processing fees and contribution amounts payable"

13. Page 16, line 18.

Following: "screening"

Strike: "or collection activities"

14. Page 21, line 20.

Following: "all"

Insert: "all"

15. Page 21, line 21 through line 22.

Following: "These costs" on line 21

Strike: remainder of line 21 through "3-1-1601 and" on line 22

16. Page 21, line 22.

Following: "to"

Insert: "but are not limited to"

17. Page 21, line 30.

Following: "(b)"

Strike: "except as provided in [section 7(5)], the following expenses"

18. Page 22, line 5.

Following: "examination"

Strike: "only"

Insert: "and other associated expenses"

19. Page 22, line 6.

Following: "46-14-202(4)"

Insert: "(a) and (4)(c)"

20. Page 22, line 7.

Following: "46-14-221,"

Insert: "the"

21. Page 24, line 27.

Following: "paid"
Strike: "by the"
Following: "corrections"
Strike: "office of state public defender"

22. Page 26, line 29.

Following: "(i)"
Strike: "(A)"

23. Page 27, line 9.

Following: line 8
Insert: "Cascade \$157,151"

24. Page 27, line 15.

Following: line 14
Insert: "Flathead \$33,655
Gallatin \$222,029"

25. Page 27, line 23.

Following: line 22
Insert: "Lewis and Clark \$247,886"

26. Page 27, line 29.

Following: line 28
Insert: "Missoula \$310,195"

27. Page 28, line 21.

Following: line 20
Insert: "Yellowstone \$266,644"

28. Page 28, line 21.

Strike: "\$30,735"
Insert: "\$20,707"

29. Page 28, line 22.

Strike: "\$113,999"
Insert: "\$53,057"

30. Page 28, line 23.

Strike: "\$614"
Insert: "\$675"

31. Page 28, line 24.

Strike: "\$234"
Insert: "\$258"

32. Page 28, line 25.

Strike: "\$2,573"
Insert: "\$2,828"

33. Page 28, line 26.

Strike: "\$130"

Insert: "\$143"

34. Page 28, line 27.

Strike: "\$10,649"

Insert: "\$11,704"

35. Page 28, line 28.

Strike: "\$961"

Insert: "\$1,056"

36. Page 28, line 29.

Strike: "\$1,028"

Insert: "\$1,130"

37. Page 28, line 30.

Strike: "\$2,648"

Insert: "\$2,910"

38. Page 29, line 1.

Strike: "\$148,763"

Insert: "\$163,499"

39. Page 29, line 2.

Strike: "\$2,129"

Insert: "\$2,340"

40. Page 29, line 3.

Strike: "\$48,046"

Insert: "\$52,805"

41. Page 29, line 4.

Strike: "\$1,186"

Insert: "\$1,303"

42. Page 29, line 5.

Strike: "\$697"

Insert: "\$766"

43. Page 29, line 6.

Strike: "\$234"

Insert: "\$258"

44. Page 29, line 7.

Strike: "\$377"

Insert: "\$414"

45. Page 29, line 8.

Strike: "\$1,665"

Insert: "\$1,830"

46. Page 29, line 9.

Strike: "\$1,250"

Insert: "\$1,374"

47. Page 29, line 10.

Strike: "\$1,301"

Insert: "\$1,430"

48. Page 29, line 11.

Strike: "\$2,070"

Insert: "\$2,275"

49. Page 29, line 12.

Strike: "\$2,775"

Insert: "\$3,050"

50. Page 29, line 13.

Strike: "\$926"

Insert: "\$1,018"

51. Page 29, line 14.

Strike: "\$520"

Insert: "\$572"

52. Page 29, line 15.

Strike: "\$3,721"

Insert: "\$4,090"

53. Page 29, line 16.

Strike: "\$6,191"

Insert: "\$6,805"

54. Page 29, line 17.

Strike: "\$2,953"

Insert: "\$3,245"

55. Page 29, line 18.

Strike: "\$4,151"

Insert: "\$4,562"

56. Page 29, line 19.

Strike: "\$1,106"

Insert: "\$1,216"

57. Page 29, line 20.

Strike: "\$4,837"

Insert: "\$5,316"

58. Page 29, line 21.
Strike: "\$1,226"
Insert: "\$1,348"

59. Page 29, line 22.
Strike: "\$5,193"
Insert: "\$5,708"

60. Page 29, line 23.
Strike: "\$458"
Insert: "\$503"

61. Page 29, line 24.
Strike: "\$6,304"
Insert: "\$6,928"

62. Page 29, line 25.
Strike: "\$177"
Insert: "\$194"

63. Page 29, line 26.
Strike: "\$511"
Insert: "\$561"

64. Page 29, line 27.
Strike: "\$601"
Insert: "\$661"

65. Page 29, line 28.
Strike: "\$2,628"
Insert: "\$2,888"

66. Page 29, line 29.
Strike: "\$626"
Insert: "\$689"

67. Page 29, line 30.
Strike: "\$1,381"
Insert: "\$1,518"

68. Page 30, line 1.
Strike: "\$1,576"
Insert: "\$1,733"

69. Page 30, line 2.
Strike: "\$1,019"
Insert: "\$1,120"

70. Page 30, line 3.
Strike: "\$1,048"

Insert: "\$1,152"

71. Page 30, line 4.

Strike: "\$130"

Insert: "\$143"

72. Page 30, line 5.

Strike: "\$2,990"

Insert: "\$3,286"

73. Page 30, line 6.

Strike: "\$2,347"

Insert: "\$2,579"

74. Page 30, line 7.

Strike: "\$358"

Insert: "\$393"

75. Page 30, line 8.

Strike: "\$298"

Insert: "\$328"

76. Page 30, line 9.

Strike: "\$778"

Insert: "\$855"

77. Page 30, line 10.

Strike: "\$416"

Insert: "\$457"

78. Page 30, line 11.

Strike: "\$4,878"

Insert: "\$5,361"

79. Page 30, line 12.

Strike: "\$7,369"

Insert: "\$8,099"

80. Page 30, line 13.

Strike: "\$231"

Insert: "\$254"

81. Page 30, line 14.

Strike: "\$87,731"

Insert: "\$96,422"

82. Page 30, line 15.

Strike: "\$6,504"

Insert: "\$7,148"

83. Page 30, line 16.
Strike: "\$5,387"
Insert: "\$5,920"

84. Page 30, line 17.
Strike: "\$1,294"
Insert: "\$1,422"

85. Page 30, line 18.
Strike: "\$1,526"
Insert: "\$1,678"

86. Page 30, line 19.
Strike: "\$14,761"
Insert: "\$16,223"

87. Page 30, line 20.
Strike: "\$41,742"
Insert: "\$45,877"

88. Page 30, line 21.
Strike: "\$239"
Insert: "\$263"

89. Page 30, line 22.
Strike: "\$361"
Insert: "\$397"

90. Page 30, line 23.
Strike: "\$830"
Insert: "\$912"

91. Page 30, line 24.
Strike: "\$439"
Insert: "\$482"

92. Page 30, line 25.
Strike: "\$39"
Insert: "\$43"

93. Page 30, line 26.
Strike: "\$916"
Insert: "\$1,006"

94. Page 30, line 27.
Strike: "\$551"
Insert: "\$606"

95. Page 30, line 28.
Strike: "\$239"

Insert: "\$263"

96. Page 30, line 29.

Strike: "\$25,608"

Insert: "\$28,144"

97. Page 30, line 30.

Strike: "\$277"

Insert: "\$304"

98. Page 31, line 1.

Strike: "\$9,830"

Insert: "\$10,804"

99. Page 31, line 2.

Strike: "\$328"

Insert: "\$361"

100. Page 31, line 3.

Strike: "\$9,254"

Insert: "\$10,170"

101. Page 31, line 4.

Strike: "\$4,071"

Insert: "\$4,475"

102. Page 31, line 5.

Strike: "\$361"

Insert: "\$397"

103. Page 31, line 6.

Strike: "\$11,050"

Insert: "\$12,145"

104. Page 31, line 7.

Strike: "\$809"

Insert: "\$889"

105. Page 31, line 8.

Strike: "\$3,084"

Insert: "\$3,389"

106. Page 31, line 9.

Strike: "\$2,261"

Insert: "\$2,485"

107. Page 31, line 10.

Strike: "\$373"

Insert: "\$410"

108. Page 31, line 11.

Strike: "\$212"

Insert: "\$234"

109. Page 31, line 12.

Strike: "\$12,877"

Insert: "\$14,152"

110. Page 31, line 13.

Strike: "\$94,866"

Insert: "\$104,264"

111. Page 31, line 14.

Strike: "\$291"

Insert: "\$319"

112. Page 31, line 15.

Strike: "\$487"

Insert: "\$536"

113. Page 31, line 16.

Strike: "\$136"

Insert: "\$149"

114. Page 31, line 17.

Strike: "\$164"

Insert: "\$180"

115. Page 31, line 18.

Strike: "\$114"

Insert: "\$125"

116. Page 31, line 19.

Strike: "\$1,467"

Insert: "\$1,612"

117. Page 31, line 20.

Strike: "\$1,286"

Insert: "\$1,413"

118. Page 31, line 21.

Strike: "\$1,826"

Insert: "\$2,007"

119. Page 31, line 22.

Strike: "\$2,898"

Insert: "\$3,185"

120. Page 31, line 23.

Strike: "\$205"

Insert: "\$225"

121. Page 31, line 24.

Strike: "\$7,026"

Insert: "\$7,722"

122. Page 31, line 25.

Strike: "\$1,405"

Insert: "\$1,544"

123. Page 31, line 26.

Strike: "\$3,551"

Insert: "\$3,903"

124. Page 31, line 27.

Strike: "\$239"

Insert: "\$263"

125. Page 31, line 28.

Strike: "\$281"

Insert: "\$309"

126. Page 31, line 29.

Strike: "\$2,968"

Insert: "\$3,262"

127. Page 31, line 30.

Strike: "\$2,984"

Insert: "\$3,280"

128. Page 32, line 1.

Strike: "\$423"

Insert: "\$465"

129. Page 32, line 2.

Strike: "\$322"

Insert: "\$354"

130. Page 32, line 3.

Strike: "\$1,636"

Insert: "\$1,798"

131. Page 32, line 4.

Strike: "\$5,165"

Insert: "\$5,677"

132. Page 32, line 5.

Strike: "\$1,047"

Insert: "\$1,150"

133. Page 32, line 6.

Strike: "\$7,049"

Insert: "\$7,747"

134. Page 32, line 7.

Strike: "\$670"

Insert: "\$737"

135. Page 32, line 8.

Strike: "\$2,787"

Insert: "\$3,063"

136. Page 32, line 9.

Strike: "\$1,244"

Insert: "\$1,367"

137. Page 32, line 10.

Strike: "\$645"

Insert: "\$709"

138. Page 32, line 11.

Strike: "\$1,384"

Insert: "\$1,521"

139. Page 32, line 12.

Strike: "\$920"

Insert: "\$1,011"

140. Page 32, line 13.

Strike: "\$2,067"

Insert: "\$2,272"

141. Page 32, line 14.

Strike: "\$2,848"

Insert: "\$3,130"

142. Page 32, line 15.

Strike: "\$2,990"

Insert: "\$3,286"

143. Page 32, line 16.

Strike: "\$1,505"

Insert: "\$1,654"

144. Page 32, line 17.

Strike: "\$633"

Insert: "\$695"

145. Page 32, line 18.

Strike: "\$744"

Insert: "\$817"

146. Page 32, line 19.

Strike: "\$203"

Insert: "\$223"

147. Page 32, line 20.

Strike: "\$1,076"

Insert: "\$1,183"

148. Page 32, line 21.

Strike: "\$1,895"

Insert: "\$2,083"

149. Page 32, line 22.

Strike: "\$239"

Insert: "\$263"

150. Page 32, line 23.

Strike: "\$1,578"

Insert: "\$1,734"

151. Page 32, line 24.

Strike: "\$9,036"

Insert: "\$9,932"

152. Page 32, line 25.

Strike: "\$1,719"

Insert: "\$1,889"

153. Page 32, line 26.

Strike: "\$812"

Insert: "\$893"

154. Page 32, line 27.

Strike: "\$236"

Insert: "\$259"

155. Page 32, line 28.

Strike: "\$286"

Insert: "\$314"

156. Page 32, line 29.

Strike: "\$4,092"

Insert: "\$4,497"

157. Page 32, line 30 through page 33, line 3.

Strike: subsection (b) in its entirety

158. Page 39, line 7 through line 11.

Strike: section 24 in its entirety
Renumber: subsequent sections

159. Page 56, line 2 through line 10.
Strike: section 38 in its entirety
Renumber: subsequent sections

160. Page 60, line 29 through line 30.
Following: "nurse or" on line 29
Strike: ", if" on line 29 through "community," on line 30

161. Page 61, line 3.
Following: "The"
Strike: "If the examination cannot be done without a commitment,
the"
Insert: "The"

162. Page 61, line 10 through line 14.
Strike: subsection (4) in its entirety
Insert: "(4) (a) The costs incurred for an examination ordered under subsection (2) must be paid as follows:
(i) if the issue of the defendant's fitness to proceed was raised by the district court or the examination was requested by the prosecution, the cost of the examination and other associated expenses must be paid by the office of court administrator, as provided in 3-5-901;
(ii) if the defendant was represented by an attorney assigned pursuant to the Montana Public Defender Act, [sections 1 through 4 and 6 through 14], and the examination was requested by the defendant or the defendant's counsel, the cost of the examination and other associated expenses must be paid by the office of state public defender;
(iii) if the defendant was represented by an attorney assigned pursuant to the Montana Public Defender Act, [sections 1 through 4 and 6 through 14], and the examination was jointly requested by the prosecution and defense counsel or the need for the examination was jointly agreed to by the prosecution and defense, the cost of the examination and other associated expenses must be divided and paid equally by the office of court administrator and the office of state public defender.
(b) For purposes of this subsection (4), "other associated expenses" means the following costs incurred in association with the commitment to a hospital or other suitable facility for the purpose of examination, regardless of whether the examination is done at the Montana state hospital or any other facility:
(i) the expenses of transporting the defendant from the place of detention to the place where the examination is performed and returning the defendant to detention, including personnel costs of the law enforcement agency by whom the defendant is detained;

(ii) housing expenses of the facility where the examination is performed; and

(iii) medical costs, including medical and dental care, including costs of medication."

163. Page 79, line 5 through line 15.

Strike: section 63 in its entirety

Insert: "Section 61. Section 53-30-110, MCA, is amended to read:

"53-30-110. **Expense of trial for offenses committed in prison.** (1) Whenever a trial of any person takes place under any of the provisions of 45-7-306 and or whenever a prisoner in the state prison is tried for any crime committed in prison, the county clerk of the county where the trial is held shall make out a statement of all the costs incurred by the county for the trial of the case and of guarding and keeping the prisoner, properly. The statement must be certified by a district judge of the county.

(2) The statement must be sent to the department of corrections for its approval. After such approval, the department shall pay the costs out of the money appropriated for the support of the state prison to the county treasurer of the county where the trial was held.

(3) Public defender costs, if any, must be paid pursuant to the Montana Public Defender Act provided in [section 1 through 4 and 6 through 14]."

{Internal References to 53-30-110:
x7-6-2426}"

164. Page 86, line 21.

Strike: "70(5)"

Insert: "68(5)"

165. Page 87, line 16.

Following: "(1)"

Insert: "for Cascade County, Gallatin County, Lewis and Clark County, Missoula County, and Yellowstone County"

166. Page 87, line 17 through line 26.

Following: "CONDUCTED" on line 17

Strike: remainder of line 17 through "PROCEEDINGS." on line 26

Insert: "on all actual costs for public defender services in district court and justice court proceedings incurred from July 1, 1998, through June 30, 2004, for which records exist. The audit must separate the costs by expenditure category and distinguish between costs paid by a county and costs paid or reimbursed by the state."

167. Page 87, line 27.

Following: "FOR"

Insert: "50% of"

168. Page 87, line 28.

Following: "AUDIT"

Insert: "for that county"

169. Page 87, line 29.

Following: "(4)"

Strike: "THE"

Insert: "By April 30, 2006, the"

170. Page 88, line 1 through line 9.

Strike: subsection (5) in its entirety

Insert: "(5) The law and justice interim committee shall prepare legislation to be introduced in the 2007 legislative session that will amend 15-1-121 to provide that the base entitlement share for Cascade County, Gallatin County, Lewis and Clark County, Missoula County, and Yellowstone County is adjusted by an appropriate amount arrived at based on the audit and in consultation with the legislative finance committee, the legislative audit committee, representatives of the counties, the governor's office, the American civil liberties union, the attorney general's office, and all other interested and participating parties."

171. Page 88, line 24.

Strike: "AND"

172. Page 88, line 25.

Following: line 24

Insert: "(vii) costs of psychiatric evaluations under 46-14-202 and 46-14-221, including the cost of examinations and other associated expenses; and"

Renumber: subsequent subsection

173. Page 89, line 18.

Following: line 17

Insert: "COORDINATION SECTION. Section 77. Coordination instruction. If [this act] is passed and approved and it includes a section that amends 15-1-121(3)(a)(i) and:

(1) if House Bill No. 223 is passed and approved and it includes a section that amends 15-1-121(3)(a)(i), then the amendment to 15-1-121(3)(a)(i) in House Bill No. 223 is void;

(2) if House Bill No. 334 is passed and approved and it includes a section that amends 15-1-121(3)(a)(i), then the amendment to 15-1-121(3)(a)(i) in House Bill No. 334 is void;

(3) if House Bill No. 671 is passed and approved and it includes a section that amends 15-1-121(3)(a)(i), then the amendment to 15-1-121(3)(a)(i) in House Bill No. 671 is void; and

(4) if Senate Bill No. 67 is passed and approved and it

includes a section that amends 15-1-121(3)(a)(i), then the amendment to 15-1-121(3)(a)(i) in Senate Bill No. 67 is void."

174. Page 89, line 29.

Strike: subsection (2) in its entirety

Insert: "(2) [Sections 17 through 19, 24 through 29, 34 through 67, and 74] are effective July 1, 2006."

- END -

