

Amendments to Senate Bill No. 146
1st Reading Copy

Jackie's
"concept"
amendment

Requested by the Department of Justice
and the ACLU

For the Senate Judiciary Subcommittee on SB 146

Prepared by Valencia Lane
(originally prepared by Jackie Lenmark)
February 1, 2005 (2:31pm)

1. Title, page 1, line 22.

Following: "3-5-901,"

Insert: "7-6-2426,"

2. Title, page 1, line 26.

Following: "53-24-302,"

Insert: "53-30-110,"

3. Page 14, line 28 through page 16, line 7.

Strike: subsection (3) through subsection (6) in their entirety

Renumber: subsequent subsection

Insert: "? [This is a concept amendment at this point and no new language is suggested at this time to replace the stricken language.]"

4. Page 16, line 10.

Following: "treasurer"

Strike: "may"

Insert: "shall"

5. Page 22, line 6.

Following: line 5

Insert: "Section 20. Section 7-6-2426, MCA, is amended to read:

"7-6-2426. Enumeration of county charges. (1) The following are county charges:

(a) charges incurred against the county by virtue of any provision of this title;

(b) one-half of the salary of the county attorney and all expenses necessarily incurred by the county attorney in criminal cases arising within the county, except as provided in subsection (2);

(c) the salary and actual expenses for traveling, when on official duty, allowed by law to sheriffs and the compensation allowed by law to constables for executing process on persons charged with criminal offenses;

(d) the board of prisoners confined in jail;

(e) the accounts of the coroner of the county for services that are provided by law;

(OVER)

(f) all charges and accounts for services rendered by any justice of the peace for services in the examination or trial of persons charged with crime as provided for by law;

(g) the necessary expenses incurred in the support of county hospitals and poorfarms and in the support of the indigent sick and the otherwise dependent poor whose support is chargeable to the county;

(h) the contingent expenses necessarily incurred for the use and benefit of the county;

(i) every other sum directed by law to be raised for any county purpose under the direction of the board of county commissioners or declared to be a county charge.

(2) The costs of subsection (1) (b) arising from the criminal prosecution of escape or of an offense committed in the state prison must be paid by the office of state public defender or the department of corrections as provided in 53-30-110."

{Internal References to 7-6-2426: None.}"

Renumber: subsequent sections

6. Page 63, line 24.

Following: line 23

Insert: "Section 62. 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. The statement must be sent for approval to:

(a) the office of state public defender provided for in [section 7] if counsel was assigned for the person pursuant to the Montana Public Defender Act, [sections 1 through 4 and 6 through 14]; or

(b) the department of corrections for its approval if counsel was not assigned for the person pursuant to the Montana Public Defender Act.

~~(2) After such approval, the~~ If the statement is approved, the office of state public defender or 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) The department shall pay the costs, if any, out of the money appropriated for the support of the state prison."

{Internal References to 53-30-110:

A7-6-2426}"

Renumber: subsequent sections

7. Page 70, line 29.

Strike: "67(5)"
Insert: "69(5)"

8. Page 71, line 7.

Strike: "66"

Insert: "68"

9. Page 72, line 7.

Strike: "66"

Insert: "68"

Strike: "72"

Insert: "74"

- END -

