

HOUSE BILL NO. 355

INTRODUCED BY J. O'NEIL

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN AWARD OF ATTORNEY FEES AND COSTS TO A DEFENDANT IN A CRIMINAL CASE IN WHICH THE DEFENDANT SUCCESSFULLY ASSERTS THE CONSTITUTIONAL RIGHT OF SELF-DEFENSE IF THE DEFENDANT IS FOUND NOT GUILTY OR THE CHARGES ARE DISMISSED BASED ON SELF-DEFENSE; AND PROVIDING AN APPLICABILITY DATE."

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

NEW SECTION. **Section 1. Award of attorney fees and costs -- charges dismissed -- person found not guilty.** In a criminal prosecution of a person who is accused of an offense and who asserts the right of self-defense under Article II, section 12, of the Montana constitution, if the charge is dismissed or the person is found not guilty the court shall award the person reasonable attorney fees and costs specific to the defense of the charge. If the person is not represented by an attorney, the court may award the person an amount equal to reasonable attorney fees and costs, in the court's discretion. Fees and costs paid under this section must be paid from the county attorney's operating budget.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 46, chapter 18, part 2, and the provisions of Title 46, chapter 18, part 2, apply to [section 1].

NEW SECTION. **Section 3. Applicability.** [This act] applies to cases in which charges are filed on or after [the effective date of this act].

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