

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CRIMINAL LAWS RELATED TO JURY TRIAL;  
5 PROVIDING THAT A COURT MAY REQUIRE THE PROSECUTION TO PAY COSTS, INCLUDING THE  
6 COSTS OF A JURY TRIAL IN THE EVENT OF AN ACQUITTAL; AND AMENDING SECTION 46-18-232,  
7 MCA."

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

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

12 **"46-18-232. Payment of costs by defendant or prosecution.** (1) (a) A court may require a  
13 convicted defendant in a felony or misdemeanor case to pay costs, as defined in 25-10-201, plus costs of jury  
14 service, costs of prosecution, and the cost of pretrial, probation, or community service supervision as a part of  
15 the defendant's sentence. The costs, in addition to those allowable under 25-10-201, must be limited to  
16 expenses specifically incurred by the prosecution or other agency in connection with the proceedings against  
17 the defendant or \$100 per felony case or \$50 per misdemeanor case, whichever is ~~greater~~ greater.

18 (b) A court may require the state or the plaintiff in a felony or misdemeanor case to pay costs, as  
19 defined in 25-10-201, plus costs of jury service, costs of defense, and the cost of pretrial supervision in the  
20 event the defendant is acquitted. The costs, in addition to those allowable under 25-10-201, must be limited to  
21 expenses specifically incurred by the defendant or the office of the public defender in connection with the  
22 proceedings or \$100 for a felony case or \$50 for a misdemeanor case, whichever is greater.

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

27 (3) A defendant who has been sentenced to pay costs and who is not in default in the payment may  
28 at any time petition the court that sentenced the defendant for remission of the payment of costs or of any

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

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