

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

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

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO CREDIT FOR INCARCERATION  
5 PRIOR TO OR AFTER CONVICTION; INCLUDING TIME SPENT IN A RESIDENTIAL TREATMENT FACILITY  
6 UNDER THE ORDER OF A COURT AS TIME THAT MUST BE CREDITED TO A PERSON; AND AMENDING  
7 SECTION 46-18-403, 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 46-18-403, MCA, is amended to read:

12 **"46-18-403. Credit for incarceration prior to conviction.** (1) (a) A person incarcerated on aailable  
13 offense against whom a judgment of imprisonment is rendered must be allowed credit for each day of  
14 incarceration prior to or after conviction, except that the time allowed as a credit may not exceed the term of the  
15 prison sentence rendered.

16 (b) For the purposes of subsection (1)(a), incarceration includes time spent in a residential treatment  
17 facility under the order of a court.

18 (2) A person incarcerated on aailable offense who does not supply bail and against whom a fine is  
19 levied on conviction of the offense may be allowed a credit for each day of incarceration prior to conviction,  
20 except that the amount allowed or credited may not exceed the amount of the fine. The daily rate of credit for  
21 incarceration must be established annually by the board of county commissioners by resolution. The daily rate  
22 must be equal to the actual cost incurred by the detention facility for which the rate is established."

23 - END -