

HOUSE BILL NO. 466

INTRODUCED BY M. MILLER

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING RESTITUTION LAWS RELATED TO GOVERNMENTAL ENTITIES; REVISING THE DEFINITION OF "VICTIM" TO AUTHORIZE A GOVERNMENTAL ENTITY TO RECOVER COSTS OR LOSSES INCURRED AS A RESULT OF EXTRADITING AN OFFENDER FROM AN OUT-OF-STATE JURISDICTION TO MONTANA; AMENDING SECTION 46-18-243, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 46-18-243, MCA, is amended to read:

"46-18-243. Definitions. For purposes of 46-18-241 through 46-18-249, the following definitions apply:

(1) "Pecuniary loss" means:

(a) all special damages, but not general damages, substantiated by evidence in the record, that a person could recover against the offender in a civil action arising out of the facts or events constituting the offender's criminal activities, including without limitation out-of-pocket losses, such as medical expenses, loss of income, expenses reasonably incurred in obtaining ordinary and necessary services that the victim would have performed if not injured, expenses reasonably incurred in attending court proceedings related to the commission of the offense, and reasonable expenses related to funeral and burial or crematory services;

(b) the full replacement cost of property taken, destroyed, harmed, or otherwise devalued as a result of the offender's criminal conduct;

(c) future medical expenses that the victim can reasonably be expected to incur as a result of the offender's criminal conduct, including the cost of psychological counseling, therapy, and treatment; and

(d) reasonable out-of-pocket expenses incurred by the victim in filing charges or in cooperating in the investigation and prosecution of the offense.

(2) (a) "Victim" means:

(i) a person who suffers loss of property, bodily injury, or death as a result of:

(A) the commission of an offense;

(B) the good faith effort to prevent the commission of an offense; or



- 1 (C) the good faith effort to apprehend a person reasonably suspected of committing an offense;
- 2 (ii) the estate of a deceased or incapacitated victim or a member of the immediate family of a homicide
- 3 victim;
- 4 (iii) a governmental entity that:
- 5 (A) suffers loss of property as a result of the commission of an offense in this state or;
- 6 (B) that incurs costs or losses during the commission or investigation of an escape, as defined in
- 7 45-7-306, or during the apprehension or attempted apprehension of the escapee; or
- 8 (C) incurs costs or losses as result of extraditing an offender from an out-of-state jurisdiction to Montana;
- 9 (iv) an insurer or surety with a right of subrogation to the extent it has reimbursed the victim of the offense
- 10 for pecuniary loss;
- 11 (v) the crime victims compensation and assistance program established under Title 53, chapter 9, part
- 12 1, to the extent that it has reimbursed a victim for pecuniary loss; and
- 13 (vi) any person or entity whom the offender has voluntarily agreed to reimburse as part of a voluntary plea
- 14 bargain.
- 15 (b) Victim does not include a person who is accountable for the crime or accountable for a crime arising
- 16 from the same transaction."

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18 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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