

1 HOUSE BILL NO. 89

2 INTRODUCED BY S. MORIGEAU

3 BY REQUEST OF THE STATE PUBLIC DEFENDER

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PUBLIC DEFENDER FEES; PROVIDING THAT PUBLIC
6 DEFENDER FEES MUST BE PAID TO THE OFFICE OF STATE PUBLIC DEFENDER FOR DEPOSIT IN THE
7 GENERAL FUND; AMENDING SECTION 46-8-114, MCA; REPEALING SECTION 47-1-110, MCA; AND
8 PROVIDING AN EFFECTIVE DATE."

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

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12 **Section 1.** Section 46-8-114, MCA, is amended to read:

13 **"46-8-114. Time and method of payment.** (1) Except as provided in subsection (2), when a defendant
14 is sentenced to pay the costs of assigned counsel pursuant to 46-8-113, the court may order payment to be made
15 within a specified period of time or in specified installments.

16 (2) A defendant's obligation to make payments for the cost of counsel is suspended during periods of
17 incarceration.

18 (3) ~~Payments~~ For public defender fees assessed prior to July 1, 2017, payments must be made to the
19 clerk of the sentencing court for allocation as provided in 46-18-201, 46-18-232, and 46-18-251 and deposited
20 in the ~~account established in 47-1-110~~ general fund.

21 (4) For public defender fees assessed on or after July 1, 2017, payments must be made directly to the
22 office of state public defender and deposited in the general fund."

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24 NEW SECTION. **Section 2. Repealer.** The following section of the Montana Code Annotated is
25 repealed:

26 47-1-110. Public defender account.

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28 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2019.

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