

1 HOUSE BILL NO. 629

2 INTRODUCED BY B. LER, C. GLIMM, T. SMITH

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO SELF DEFENSE; AND
5 PROVIDING THAT WHEN A DEFENDANT SUCCESSFULLY ARGUES THE DEFENSE OF JUSTIFIABLE
6 USE OF FORCE, THE DEFENDANT IS ENTITLED TO THEIR OUT-OF-POCKET COSTS AND ATTORNEY
7 FEES."

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

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11 NEW SECTION. **Section 1. Affirmative defense of justifiable use of force -- reimbursement.** (1)

12 (a) When a defendant successfully raises and argues the affirmative defense of justifiable use of force in the
13 defense of a charge of a forcible felony in which the defendant is not convicted for any reason, the defendant is
14 entitled to reimbursement of the defendant's out-of-pocket costs, attorney fees, and costs for the specific
15 forcible felony that did not result in a conviction.

16 (b) Reimbursement under subsection (1)(a) must be paid by the state out of the ~~budget used by~~
17 ~~the prosecutor or the prosecutor's employer to pay for the trial of the charge that did not result in a conviction~~
18 state general fund.

19 (2) If the defendant is convicted of other crimes for which the defense of justifiable use of force
20 was not raised or argued or was unsuccessful and resulted in a conviction, the defendant is responsible for the
21 out-of-pocket costs, attorney fees, and costs generated in defending those charges.

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23 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
24 integral part of Title 45, chapter 3, part 1, and the provisions of Title 45, chapter 3, part 1, apply to [section 1].

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