1 SENATE BILL NO. 229 2 INTRODUCED BY B. USHER 3 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE ATTORNEY GENERAL TO REIMBURSE 5 COUNTIES FOR ACTUAL WITNESS COSTS IN CERTAIN CRIMINAL PROCEEDINGS; PROVIDING 6 RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTION 26-2-506, MCA; 7 AND PROVIDING AN EFFECTIVE DATE." 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 26-2-506, MCA, is amended to read: 12 "26-2-506. Fees paid by party subpoenaing exceptions. (1) Except as provided in subsection 13 (2), fees and compensation of a witness in all criminal and civil actions must be paid by the party who caused 14 the witness to be subpoenaed. 15 (2) (a) When a witness is subpoenaed by a public defender, as defined in 47-1-103, the fees and 16 expenses must be paid by the office of state public defender as provided in 47-1-103, the fees and 16 expenses must be paid by the office of state public defender as provided in 47-1-103, the fees and 17 (b) In a criminal proceeding, when a witness is subpoenaed on behalf of the attorney general or a county attorney, the witness fees and expenses must be paid by the county except as provided in subsection 18 (c) The attorney general may shall reimburse a county for fees	Amendment - 1st Reading/2nd House-blue - Requested by: (H) Appropriations				
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2	NEW SECTION. SECTION 2. APPROPRIATION. (1) THERE IS APPROPRIATED \$250,000 \$150,000 FROM THE
3	GENERAL FUND TO THE DEPARTMENT OF JUSTICE FOR EACH YEAR OF THE BIENNIUM BEGINNING JULY 1, 2023, which
4	may be used only FOR THE PURPOSES OF REIMBURSING COUNTIES FOR FEES AND COMPENSATION OF EXPERT
5	WITNESSES AS PROVIDED IN 26-2-506(2)(C), except for cases in which a defendant may be sentenced to death.
6	(2) For cases in which the death penalty is being sought by the prosecution, county reimbursement
7	for fees and compensation of expert witnesses may be paid through a supplemental appropriation as
8	authorized by the legislature.
9	(2)(3) THE LEGISLATURE INTENDS THAT THE APPROPRIATION IN THIS SECTION BE CONSIDERED PART OF THE
10	ONGOING BASE FOR THE NEXT LEGISLATIVE SESSION.
11	
12	NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2023.
13	- END -

