

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

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 OUT-OF-POCKET COSTS AND ATTORNEY FEES."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 NEW SECTION. **Section 1. Affirmative defense of justifiable use of force -- reimbursement.** (1)

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

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

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

20
21 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
22 integral part of Title 45, chapter 3, part 1, and the provisions of Title 45, chapter 3, part 1, apply to [section 1].

23 - END -