

1 SENATE BILL NO. 229
2 INTRODUCED BY B. USHER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE ATTORNEY GENERAL TO REIMBURSE
5 COUNTIES FOR ACTUAL WITNESS COSTS IN CRIMINAL PROCEEDINGS; AMENDING SECTION 26-2-
6 506, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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10 **Section 1.** Section 26-2-506, MCA, is amended to read:

11 **"26-2-506. Fees paid by party subpoenaing -- exceptions.** (1) Except as provided in subsection
12 (2), fees and compensation of a witness in all criminal and civil actions must be paid by the party who caused
13 the witness to be subpoenaed.

14 (2) (a) When a witness is subpoenaed by a public defender, as defined in 47-1-103, the fees and
15 expenses must be paid by the office of state public defender as provided in 47-1-119.

16 (b) In a criminal proceeding, when a witness is subpoenaed on behalf of the attorney general or a
17 county attorney, the witness fees and expenses must be paid by the county except as provided in subsection
18 (2)(c).

19 (c) The attorney general ~~may~~ shall reimburse a county for fees and compensation of a witness up
20 to the amount appropriated for witness expenses. ~~If money appropriated for the expenses listed in subsection~~
21 ~~(2)(b) is insufficient to fully fund those expenses, the county is responsible for payment of the balance.~~

22 (d) In any proceeding in which a defendant or respondent is entitled to a public defender, as
23 defined in 47-1-103, but is acting pro se, the witness fees and expenses must be paid by the office of court
24 administrator, as provided in 3-5-901."

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26 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2023.

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