

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

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE ATTORNEY GENERAL TO REIMBURSE
5 COUNTIES FOR ACTUAL WITNESS COSTS IN CRIMINAL PROCEEDINGS; PROVIDING RULEMAKING
6 AUTHORITY; AMENDING SECTION 26-2-506, 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~~ an expert
20 witness up to the amount appropriated for expert witness expenses. ~~If money appropriated for the expenses~~
21 ~~listed in subsection (2)(b) is insufficient to fully fund those expenses, the county is responsible for payment of~~
22 ~~the balance.~~ The attorney general shall adopt rules to provide for reimbursement procedures, including setting
23 priorities for expenses and balancing between the needs of rural and urban counties.

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

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

AMEND