

SENATE BILL 337

Introduced by Rye

2/09	Introduced
2/09	Referred to Judiciary
2/09	First Reading
2/21	Hearing
2/22	Committee Report--Bill Not Passed
2/22	Adverse Committee Report Adopted

1 and all discussions of law are to be addressed to the
2 court."

3 **Section 3.** Section 26-1-201, MCA, is amended to read:

4 "26-1-201. Questions of law. Except as provided in
5 Article II, section 7, of the Montana constitution and
6 [section 1], all questions of law, including the
7 admissibility of testimony, the facts preliminary to such
8 admission, the construction of statutes and other writings,
9 and other rules of evidence, must be decided by the court."

10 **Section 4.** Section 46-16-103, MCA, is amended to read:

11 "46-16-103. Who decides questions of law and fact. (1)
12 All prosecutions deciding issues of fact must be tried by
13 the court and jury, except on a plea of guilty.

14 (2) Questions Except as provided in [section 1],
15 questions of law must be decided by the court and questions
16 of fact by the jury except that on a trial for criminal
17 defamation the jury shall determine both questions of law
18 and of fact. Questions of law and fact must be decided by
19 the court when a trial by jury is waived under
20 46-16-102(2)."

21 NEW SECTION. **Section 5.** Codification instruction.

22 [Section 1] is intended to be codified as an integral part
23 of Title 25, chapter 7, part 1, and the provisions of Title
24 25, chapter 7, part 1, apply to [section 1].

-End-