SENATE BILL NO. 364

INTRODUCED BY VAUGHN, CODY, YELLOWTAIL, DARKO, ECK, HARDING, T. BECK, PETERSON

IN THE SENATE

	IN THE SENATE
FEBRUARY 12, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 13, 1991	FIRST READING.
FEBRUARY 19, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 20, 1991	PRINTING REPORT.
FEBRUARY 21, 1991	SECOND READING, DO PASS.
FEBRUARY 22, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.
	IN THE HOUSE
MARCH 4, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 11, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 12, 1991	SECOND READING, CONCURRED IN.
MARCH 14, 1991	THIRD READING, CONCURRED IN. AYES, 82; NOES, 15.
	RETURNED TO SENATE WITH AMENDMENTS.
	IN THE SENATE
MARCH 16, 1991	RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS

CONCURRED IN.

MARCH 18, 1991

THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 INTRODUCED BY Laugh Cody 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW VIDEOTAPED TESTIMONY OF A VICTIM TO BE USED FOR THE PROSECUTION OF ANY VIOLENT CRIME IF THE VICTIM IS UNDER 16 YEARS OF AGE; AND AMENDING SECTION 46-15-401, MCA." 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 46-15-401, MCA, is amended to read: 11 "46-15-401. When videotaped testimony admissible. For 12 any prosecution commenced under 45-5-502(3), 45-5-503, 13 45-5-505, or 45-5-507 and for the prosecution of any offense 14 arising from the same transaction, as defined in 46-11-501, 15 or for prosecution of any offense against the person 16 provided for in Title 45, chapter 5, involving a victim who 17 is under 16 years of age, the testimony of the victim, at the request of such victim and with the concurrence of the 18 19 prosecuting attorney, may be recorded by means of videotape 20 for presentation at trial. The testimony so recorded may be 21 presented at trial and shall be received into evidence. The 22 victim need not be physically present in the courtroom when 23 the videotape is admitted into evidence."

-End-



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APPROVED BY COMMITTEE ON JUDICIARY

INTRODUCED BY Laugh Cody Wellowtal in ion 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW VIDEOTAPED 5 TESTIMONY OF A VICTIM TO BE USED FOR THE PROSECUTION OF ANY 6 VIOLENT CRIME IF THE VICTIM IS UNDER 16 YEARS OF AGE: AND 7 AMENDING SECTION 46-15-401, MCA." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 46-15-401, MCA, is amended to read: 11 "46-15-401. When videotaped testimony admissible. For 12 any prosecution commenced under 45-5-502(3), 45-5-503, 13 45-5-505, or 45-5-507 and for the prosecution of any offense 14 arising from the same transaction, as defined in 46-11-501, 15 or for prosecution of any offense against the person 16 provided for in Title 45, chapter 5, involving a victim who 17 is under 16 years of age, the testimony of the victim, at 18 the request of such victim and with the concurrence of the 19 prosecuting attorney, may be recorded by means of videotape 20 for presentation at trial. The testimony so recorded may be 21 presented at trial and shall be received into evidence. The 22 victim need not be physically present in the courtroom when

-End-

the videotape is admitted into evidence."



1 INTRODUCED BY Church Codes 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW VIDEOTAPED 5 TESTIMONY OF A VICTIM TO BE USED FOR THE PROSECUTION OF ANY 6 VIOLENT CRIME IF THE VICTIM IS UNDER 16 YEARS OF AGE; AND 7 AMENDING SECTION 46-15-401, MCA." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 46-15-401, MCA, is amended to read: 11 *46-15-401. When videotaped testimony admissible. For any prosecution commenced under 45-5-502(3), 45-5-503, 12 13 45-5-505, or 45-5-507 and for the prosecution of any offense 14 arising from the same transaction, as defined in 46-11-501, 15 or for prosecution of any offense against the person 16 provided for in Title 45, chapter 5, involving a victim who 17 is under 16 years of age, the testimony of the victim, at 18 the request of such victim and with the concurrence of the 19 prosecuting attorney, may be recorded by means of videotape 20 for presentation at trial. The testimony so recorded may be 21 presented at trial and shall be received into evidence. The 22 victim need not be physically present in the courtroom when 23 the videotape is admitted into evidence."

-End-



HOUSE STANDING COMMITTEE REPORT

March 11, 1991 Page 1 of 1

Mr. Speaker: We, the committee on <u>Judiciary</u> report that

Senate Bill 364 (third reading copy -- blue) be concurred in as

amended.

Signed:

Bill Strizich, Chairman

Carried by: Rep. Darko

And, that such amendments read:

1. Page 1.

Following: line 23

Insert: "NEW SECTION. Section 2. Coordination instruction. If Senate Bill No. 51 is passed and approved and if it includes a new section entitled "Videotaped testimony", which appears at page 177, line 10, of the second reading yellow copy, then that section is amended by inserting in the first sentence, after "45-5-507", the words "or for prosecution of any offense against the person provided for in Title 45, chapter 5, involving a victim who is under 16 years of age" and [section 1 of this act], amending 46-15-401, is void."

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2	INTRODUCED BY VAUGHN, CODY, YELLOWTAIL, DARKO,
3	ECK, HARDING, T. BECK, PETERSON
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW VIDEOTAPED
6	TESTIMONY OF A VICTIM TO BE USED FOR THE PROSECUTION OF ANY
7	VIOLENT CRIME IF THE VICTIM IS UNDER 16 YEARS OF AGE; AND
8	AMENDING SECTION 46-15-401, MCA."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 46-15-401, MCA, is amended to read:
12	"46-15-401. When videotaped testimony admissible. For
13	any prosecution commenced under 45-5-502(3), 45-5-503,
14	45-5-505, or 45-5-507 and for the prosecution of any offense
15	arising from the same transaction, as defined in 46-11-501,
16	or for prosecution of any offense against the person
17	provided for in Title 45, chapter 5, involving a victim who
18	is under 16 years of age, the testimony of the victim, at
19	the request of such victim and with the concurrence of the
20	prosecuting attorney, may be recorded by means of videotape
21	for presentation at trial. The testimony so recorded may be
22	presented at trial and shall be received into evidence. The
23	victim need not be physically present in the courtroom when
24	the videotape is admitted into evidence."
25	NEW SECTION. SECTION 2. COORDINATION INSTRUCTION. IF

SENATE BILL NO. 364

A NEW SECTION ENTITLED "VIDEOTAPED TESTIMONY", WHICH APPEARS

AT PAGE 177, LINE 10, OF THE SECOND READING YELLOW COPY,

THEN THAT SECTION IS AMENDED BY INSERTING IN THE FIRST

SENTENCE, AFTER "45-5-507", THE WORDS "OR FOR PROSECUTION OF

ANY OFFENSE AGAINST THE PERSON PROVIDED FOR IN TITLE 45,

CHAPTER 5, INVOLVING A VICTIM WHO IS UNDER 16 YEARS OF AGE"

AND (SECTION 1 OF THIS ACT), AMENDING 46-15-401, IS VOID.

SENATE BILL NO. 51 IS PASSED AND APPROVED AND IF IT INCLUDES

-End-