

MARCH 18, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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Senate BILL NO. *364*

INTRODUCED BY *Chapman Cody* *Yellowtail* *Travis*
Noble Ed *Heller* *J.P.*

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."

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

Section 1. Section 46-15-401, MCA, is amended to read:

"46-15-401. When videotaped testimony admissible. For any prosecution commenced under 45-5-502(3), 45-5-503, 45-5-505, or 45-5-507 and for the prosecution of any offense arising from the same transaction, as defined in 46-11-501, 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, the testimony of the victim, at the request of such victim and with the concurrence of the prosecuting attorney, may be recorded by means of videotape for presentation at trial. The testimony so recorded may be presented at trial and shall be received into evidence. The victim need not be physically present in the courtroom when the videotape is admitted into evidence."

-End-



THIRD READING

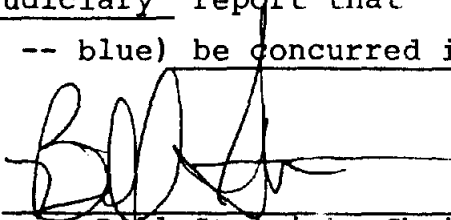
SB 364

HOUSE STANDING COMMITTEE REPORT

March 11, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary 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."

HOUSE
SB 364

1 SENATE BILL NO. 364
 2 INTRODUCED BY VAUGHN, CODY, YELLOWTAIL, DARKO,
 3 ECK, HARDING, T. BECK, PETERSON

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 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

1 SENATE BILL NO. 51 IS PASSED AND APPROVED AND IF IT INCLUDES
 2 A NEW SECTION ENTITLED "VIDEOTAPED TESTIMONY", WHICH APPEARS
 3 AT PAGE 177, LINE 10, OF THE SECOND READING YELLOW COPY,
 4 THEN THAT SECTION IS AMENDED BY INSERTING IN THE FIRST
 5 SENTENCE, AFTER "45-5-507", THE WORDS "OR FOR PROSECUTION OF
 6 ANY OFFENSE AGAINST THE PERSON PROVIDED FOR IN TITLE 45,
 7 CHAPTER 5, INVOLVING A VICTIM WHO IS UNDER 16 YEARS OF AGE"
 8 AND [SECTION 1 OF THIS ACT], AMENDING 46-15-401, IS VOID.

-End-