

Judiciary Committee
January 12, 1979

Following the executive session the regular meeting was called to order at 8:30 in room 436, by Chairman John Scully. All members were present with the exception of Representatives Holmes and Seifert, excused. Vice-chairman Teague took over the meeting.

Scheduled for hearing were House Joint Resolution number 2 and House Bill number 83, both bills sponsored by Representative Scully.

HOUSE BILL NO. 83:

Representative Scully went through the bill and explained what it would do. He said the academy must be at one of the university units. This bill will clarify the statute that the Montana law enforcement academy must be chosen by the Department of Justice. They now have a building at Bozeman and temporary quarters. About 800 students have gone through the academy. The long-range plan is to have the forensic laboratory and the academy all in one place.

Representative Holmes came in.

There was discussion about training and the improvement of students.

Representative Roth was excused.

REPRESENTATIVE SCULLY:

All this bill does is clarify who signs the certificate when a student graduates and who has the authority to pick the site of the academy.

Discussion was held about the cost of moving the academy and the possibility of moving it in the future. It was felt that it would never be taken from a metropolitan setting, because use was made of the university facilities and the campus.

Representative Keyser stated that the facilities were basically off campus but are on county property. Some general discussion and the hearing closed on House Bill #83.

HOUSE JOINT RESOLUTION NO. 2:

Representative Scully, the sponsor of the bill, said "this is my red-neck bill. Each year thousands of persons are sentenced to prison for the commission of crimes and the current law on habeas corpus allows each defendant to demand an individual reexamination of each issue and there is no requirement that all such issues be raised on one action. This is one of the things we are running into

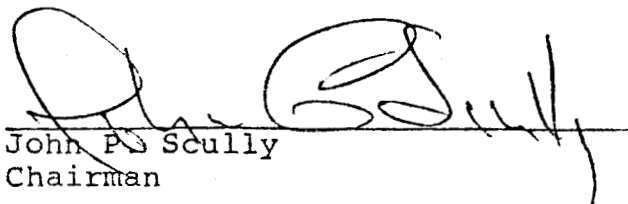
A lot of people take advantage of people in a criminal action for that type of gain, monetary gain.

Representative Day raised the question of how many writs there are in Montana each year. Some discussion followed this.

Representative Scully said there has to be a meshing of the criminal law of the state with the federal. There was no other discussion, no proponents or opponents, and the hearing closed on House Joint Resolution number 2.

Chairman Scully resumed the chair and read a letter from the Superintendent of Public Instruction, Georgia Ruth Rice, regarding House Bill #12. Mr. Scully stated that she was very interested in having her office participate in the pool of attorneys that would be created, as specified in the bill.

The meeting adjourned at 8:55 and executive session resumed.



John P. Scully
Chairman

Mary Ellen Connelly
Secretary