

MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 8 , 1985

The meeting of the Judiciary Committee was called to order by Chairman Tom Hannah on Friday, March 8 , 1985 at 9:00 a.m. in Room 312-3 of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Gould who had been previously excused.

CONSIDERATION OF SENATE BILL NO. 27: Senator M. K. Daniels, District #24, sponsor of SB 27, testified in its support. Senate Bill No. 27 was introduced by request of the Joint Interim Subcommittee No. 3. This legislation is a somewhat minor step in the direction of court reform which would result in more uniform court actions and court results. The bill would require clerks of district court and deputy clerks of district court to attend orientation courses and training sessions conducted by the supreme court administrator.

Mike Abley, administrator of the Montana Supreme Court, testified as a proponent. He said the Clerk of Courts Association have pushed very strongly for this bill.

There being no further proponents or opponents, Senator Daniels closed.

The floor was opened to questioning.

In response to a question asked by Rep. Montayne, Mr. Abley stated that the major portion of the cost will go towards travel and per diem for the clerks.

Chairman Hannah referred to the fiscal note and asked if the note represents all clerks travelling to a course but does not represent any grants that are currently received that might reduce it. Mr. Abley stated that that was correct. Chairman Hannah wanted to know if Mr. Abley has any idea of how much grant money was raised during last year for these kinds of events. Mr. Abley replied \$6,000.

Rep. Eudaily asked if it weren't possible under the bill for the district judge to continue to excuse these clerks from attending these courses. Mr. Abley said that although they could, he pointed out that the clerks are pushing for this training, and it would be very unlikely for them to request the judges to excuse them on a continuing basis.

There being no further questions, hearing on SB 27 closed.

CONSIDERATION OF SENATE BILL NO. 85: Senator Bob Brown, District #2, chief sponsor of SB 85, testified. He informed the committee that this bill had its origin back in 1981 when the Attorney General's office sponsored a conference on criminal justice issues. This is an act allowing the Department of Justice to establish a criminal intelligence information section within its criminal investigation bureau. He said that a lot of preparation and thought has gone into this piece of legislation. It also establishes an advisory council and establishes the duties of that council. The bill is based on the Rocky Mountain Information Network which is a criminal information sharing network of Rocky Mountain State's Headquarters in New Mexico. It is also patterned somewhat after the NCIC (National Crime Information Center) which deals with stolen property. SB 85 fills a need because it creates a workable mechanism for a criminal information bank in the Attorney General's Office in a centralized location, but it also provides the statutory safeguards that keep the information that is obtained in the bank from being misused.

Mike Lavin, administrator of the Board of Crime Control, spoke in favor of the bill. He submitted a copy of his testimony which was marked Exhibit A and attached hereto.

Dorothy McCarter, Assistant Attorney General, stated that she staffed the task force committee during the drafting of this legislation. She said the new section will exist only to serve as a service to local law enforcement agencies. The information will not be used by the state criminal justice agency -- it is only used by the local law enforcement. At the same time, this new section will protect the integrity and reliability of the information in periodic review.

There being no further proponents or opponents, Senator Brown closed.

The floor was opened up for questions.

In response to a question by Rep. Addy, Gary Carrell, chief of the Criminal Investigation Bureau, stated that at the present time, the bureau does not have the personnel to set up the information section. All this does is give us the authority to do it. (Referring to section 4 of the bill). He said that the other related bill in which the FTE's referred to in the fiscal note are provided for was Senate Bill 338. There was a question with this bill whether or not it is an appropriation bill.

Following a few more general questions, hearing closed on SB 85.

CONSIDERATION OF SENATE BILL NO. 90: Senator Joe Mazurek, District #23, principle sponsor of SB 90, testified in support of it. He stated that SB 90 was introduced at the request of the Montana County Attorney's Association. He

feels this is a real significant piece of legislation which warrants the committee's serious consideration. It has been said that it is a somewhat radical change from existing practice in the state of Montana. It is a bill patterned after a bill which was introduced in the state of Arizona whose constitutionality has been upheld in that state. This bill injects reciprocal discovery into the criminal process. Discovery is the exchange of information between the parties prior to trial. He feels this bill will facilitate the search for the truth in that it would hopefully eliminate some of the surprise that is involved in criminal matters. It would facilitate more open communication between prosecutors and defense attorneys. The bill sets the rules for pre-trial discovery. He said that much of what is in the bill is already required. The whole idea of the bill has to do with the question of fairness. He said the biggest argument he has heard against the bill is that the only thing the defense has going for itself in a criminal action is the element of surprise, and that the state has this vast police force -- which they do -- to go out and investigate crimes and hire experts. In those cases where the defense needs experts and investigators, they are hired at county expense in addition to providing a defense counsel. He feels the whole idea behind the bill is fairness. And that is to allow both sides to prepare their cases for trial just as they do in a civil procedure. It requires the disclosure of information on both sides which would hopefully eliminate some of the element of surprise and eliminate some of the gamesmanship involved. He feels the final result will speed up the process and help preserve the integrity of the criminal justice system. He briefly explained the sections of the bill.

Mike McGrath, county attorney for Lewis and Clark County, testified as a proponent. He said the most important thing in trying a lawsuit is the preparation. He said the most frustrating thing about prosecuting a criminal case is that you can prepare your side of the case, but you cannot prepare for what the defendant is going to do because you don't know what the defendant is going to do. In civil cases, both sides get full discovery from each other; however, that is not so in a criminal case. He feels that the advantage of supplying each party with full discovery is that it will allow the jury to obtain a full and accurate picture of the facts. He said that SB 90 is designed to make the system fair, and would allow the jury to obtain all the information in a particular case. Mr. McGrath informed the committee of several cases that he has tried where this legislation could have really helped him in preparing and prosecuting his cases. He further stated that this bill does not violate a defendant's rights against self-incrimination. The bill is based on an Arizona statute which has been upheld in that state.

Senator R. J. "Dick" Pinsoneault, District #27, testified as a proponent to SB 90. A copy of his written testimony was marked Exhibit B and attached hereto.

Because Senator Mazurek had to leave to chair the Senate Judiciary Committee, Chairman Hannah temporarily opened the floor up for questions from the committee.

Rep. Addy had a question with respect to page 8, lines 11 and 12 of the bill. He wanted to know why field notes are exempted. Mark Murphy, from the Attorney General's Office, stated that this is already presently excluded from discovery. As a general rule, field notes are destroyed after a formal report has been prepared.

Rep. Addy said that the field notes are taken at a point in time when there may not be any theory of case. Quite often, those field notes -- if the theory of the case changes -- may be inconsistent with the theory of the case, and Rep. Addy would like them on the table.

Mr. Murphy responded by saying that as the general rule, the formal reports are written immediately after at the first available time the officer has to sit down and prepare these formal reports. A number of officers no longer use these field notes. They use tape recording or something that is destroyed immediately after. (The official reports are generally prepared again prior to the time a position has been taken by the prosecution and during the investigation itself.)

Rep. Krueger wanted to know if Senator Mazurek has compared this piece of legislation in relation to the federal process. Senator Mazurek stated that he had not.

There being no further questions asked of Senator Mazurek, Chairman Hannah dismissed him.

John Connor, Jefferson County Attorney, stated that it wasn't until he became a prosecutor that he was struck by the disparity that exists with respect to the exchange of information between parties. He feels that under the present system, the jury is becoming confused and disillusioned, and he has observed jurors expressing anger as to why some of his information is being withheld from them.

Robert Deschamps, Missoula County Attorney, testified as a proponent to SB 90. Mr. Deschamps stated that counties do not have the resources to call in a lot of the same expert witnesses the defense is able to. He feels this bill goes a long way to bringing the truth to the surface. He doesn't agree with the surprise gamesmanship notion that some do.

Mark Murphy, Assistant Attorney General, stated that he was assigned the task of reviewing the constitutionality of this discovery bill. He said the U.S. Supreme Court has been asked to look at reciprocal discovery in a number of cases

but has not yet accepted any of those cases for review, so cases that have upheld reciprocal discovery have not been overturned by the Supreme Court. He believes that this bill is constitutional -- even under the Montana Constitution -- and that from a practical standpoint, he feels this provision will assist in the speedy resolution of cases prior to trial. It will allow the prosecutors to review the defendant's case prior to trial and to evaluate it.

Karl Englund, representing the Montana Trial Lawyers Association, testified as a proponent. He said that while there are some good provisions in this bill, there are a few that he has a problem with.

(Rep. Brown came in)

He stated that section 1 of the bill is redundant with Montana's existing law unless our existing law is going to be repealed. He also feels the word "defendant" should be amended to "accused". He suggested on page 5 line 10 following "prosecutor" that the words "and for good cause" be inserted. He further suggested other changes that he feels are needed in the bill. He feels the 30-day provision on page 6 may be a little unrealistic.

(Rep. Gould came in)

Mr. Englund also feels the language on page 8, section 4 (a) is too broadly written. Finally, Mr. Englund made the comment that "You can eliminate some of the gamesmanship in a trial, but you can not eliminate all of it."

There being no further proponents or opponents, Chairman Hannah opened the floor up for questions.

Rep. O'Hara asked Mr. McGrath to comment on some of the comments made by Karl Englund. Mr. McGrath stated that the 30-day requirement is merely a trigger device. He commented on other points brought out by Mr. Englund.

Rep. Rapp-Svrcek asked Mr. McGrath what the prosecutor does with the list of witnesses once they have it in their hands. Mr. McGrath stated that they would inquire certain information from those witnesses.

In response to a question asked by Rep. Krueger, Mr. McGrath feels that an attorney is obligated to disclose information as soon as the attorney knows that particular witness is going to be used.

Rep. Krueger wanted to know what other states have other than Arizona has a broad-base reciprocal discovery law such as this act. Mr. Murphy said that from a legislative deter-

mination, there are not very many. In most states that have a reciprocal discovery procedure, it was created by the courts.

Rep. Rapp-Svrcek wanted to know how many of these things which are presently exempted in section 4 from disclosure are presently available. Mr. McGrath said that none of them are available to defense attorneys.

Rep. Addy is wondering if the concept of fairness might moderate the pursuit of truth. He feels that there needs to be a line drawn between truth and fairness. Would this bill permit discovery of the defendant's rebuttal witnesses? Mr. Connor said that it is not addressed in the bill.

Following further general questions, hearing closed on SB 90.

EXECUTIVE SESSION

An executive session was called at 11:25 a.m. to act on the bills in committee.

ACTION ON SENATE BILL NO. 27: Rep. Darko moved that SB 27 BE CONCURRED IN. The motion was seconded by Rep. Addy. The question was called, and the motion carried with Reps. Hannah and Brown dissenting. (Rep. Keyser and Rep. Grady were not present to vote.) Rep. Darko agreed to carrying the bill on the floor.

ACTION ON SENATE BILL NO. 85: Rep. Mercer moved that SB 85 BE CONCURRED IN. The motion was seconded by Rep. O'Hara. The question was called, and the motion carried with Reps. Brown, Montayne and Eudaily dissenting.

ACTION ON SENATE BILL NO. 91: Rep. Mercer moved that SB 91 BE CONCURRED IN. The motion was seconded by Rep. Bergene.

Rep. Krueger submitted amendments to SB 91 which he moved to adopt. He informed the committee that this particular language is adopted after the California law. The amendment is as follows:

1. Page 3, line 15.
Following: "(1)"
Insert: "except as provided in subsection (3),"
2. Page 4, line 1.
Following: "complaint"
Insert: "; (3) the proper place of trial of an action brought pursuant to Title 40, chapter 4 is the county in which the petitioner has resided during the 90 days preceding the commencement of the action"

The motion was seconded by Rep. Mercer, the question called,

and the motion to amend carried unanimously.

Rep. O'Hara moved that SB 91 BE CONCURRED IN AS AMENDED. The motion was seconded by Rep. Bergene and carried unanimously.

ACTION ON SENATE BILL NO. 60: In response to a question from Rep. Eudaily, Brenda Desmond, committee researcher, referred to Page 21, lines 3 and 6 of the bill by stating the difference in ages was deliberate because the transfers under sections 6 and 7 are conceptually different from the transfers under sections 8 and 9. The transfers under 6 and 7 are of the type for which the transferee can obtain federal tax advantages. The custodianships created for the transfers under sections 8 and 9 are actually substitutes for conservatorships that otherwise would terminate when the minor attains the age of majority - 18.

Rep. O'Hara moved that SB 60 BE CONCURRED IN. The motion was seconded by Rep. Miles. The question was called, and the motion carried unanimously.

ACTION ON SENATE BILL NO. 90: Rep. Hammond moved that SB 90 BE CONCURRED IN. The motion was seconded by Rep. O'Hara.

Rep. Rapp-Svrcek moved to amend page 5, line 8 by striking the word "defendant" and inserting "accused". He also wished to amend page 5, line 10 following "prosecutor" by inserting ", and for good cause". Page 5, line 3 and line 25, the word "defendant" would also be stricken, and the word "accused" be inserted in lieu thereof. The motion was seconded by Rep. Mercer and carried unanimously.

Rep. Rapp-Svrcek further moved on page 8, line 4 to strike "a" and insert "the" and strike "that includes" and insert "of the prosecuting and defense attorneys". He further moved to strike subsections (a) and (b) in their entirety. The motion was seconded by Rep. Addy. Rep. Rapp-Svrcek stated that much of the material in subsections (a) and (b) is presently available under disclosure to defense attorneys.

Rep. Hannah pointed out that from what he remembered of the testimony, this material is not presently allowed. Mr. McGrath stated that this material is not presently allowed.

Rep. Addy spoke in support of this amendment. He said his concern is that by putting a long itemized list of items in the definition that will affect the exclusion, we may be enlarging upon the rulings of the courts in the past. He said the intent of the amendment is to limit things that are excluded from discovery to those things that the courts in the past have felt that can be excluded under the attorney work product rule. We are trying not to change what the courts have already decided. He feels the amendment brings us back to what courts have decided so far on this issue.

The question was called, and the motion to amend carried with Reps. Gould and Hannah dissenting.

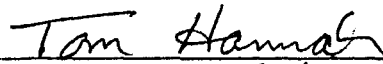
Rep. Rapp-Svrcek further moved on page 8, line 14 following (1) by striking "may" and inserting "shall". The motion was seconded by Rep. Krueger. Following further discussion, Rep. Rapp-Svrcek withdrew his motion to amend.

Rep. Mercer moved to amend page 8, lines 13, 14, and 15 by striking subsection (2) in its entirety and inserting the language "if exculpatory information is contained in the work product then that information must be disclosed." The motion was seconded and carried with Reps. Hannah and Gould dissenting.

Rep. Rapp-Svrcek feels that the witnesses on the defense side should not be made public, and feels there should be some appropriate language added with respect to this on page 9. Rep. Montayne said that he is uncomfortable with the language on page 7, lines 2, 3, and 5 and wishes to submit an appropriate amendment which would take care of his concerns.

Without objection, action on SB 90 will be postponed until Monday morning, March 11th to allow the drafting of some additional amendments.

ADJOURN: A motion having been made and seconded, the meeting adjourned at 12:10 p.m.


TOM HANNAH, Chairman

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3/8/85

NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)			✓
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		✓
Edward Grady	✓		
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff	✓		
Paul Rapp-Svrcek	✓		

STANDING COMMITTEE REPORT

..... March 8 19 85

MR. Speaker

We, your committee on Judiciary

having had under consideration Senate Bill No. 27

Third reading copy (Blue)
color

**ORIENTATION SESSIONS AND TRAINING SESSIONS FOR DISTRICT
COURT CLERKS**

Respectfully report as follows: That Senate Bill No. 27

BE CONCURRED IN
NDX PASSEX

STANDING COMMITTEE REPORT

March 3 19 85

MR. Speaker

We, your committee on Judiciary

having had under consideration Senate Bill No. 60

Third reading copy (Blue)
color

REPLACE UNIFORM GIFTS TO MINORS ACT WITH UNIFORM TRANSFERS
TO MINORS ACT

Respectfully report as follows: That Senate Bill No. 60

BE CONCURRED IN
AND PASS

STANDING COMMITTEE REPORT

March 8

1935

Speaker

MR.

Judiciary

We, your committee on

Senate

having had under consideration Bill No. 35

Third

reading copy (Blue)
color

CRIMINAL INTELLIGENCE INFORMATION UNIT

Senate

Respectfully report as follows: That Bill No. 35

BE CONCURRED IN

AND PASSED

~~SENTENCE OF FIVE YEARS~~

STANDING COMMITTEE REPORT

March 8

19 85

MR. Speaker

We, your committee on Judiciary

having had under consideration Senate Bill No. 91

Third reading copy (Blue)
color

GENERAL REVISION AND CLARIFICATION OF VENUE STATUTES

Respectfully report as follows: That Senate Bill No. 91

be amended as follows:

1. Page 3, line 15.

Following: "(1)"

Insert: "except as provided in subsection (3),"

2. Page 4, line 1.

Following: "complaint"

Insert: "(3) The proper place of trial of an action brought pursuant to Title 40, chapter 4 is the county in which the petitioner has resided during the 90 days preceding the commencement of the action"

AND AS AMENDED,
BE CONCURRED IN
DO PASS

VISITORS' REGISTER

HOUSE JUDICIARY

COMMITTEE

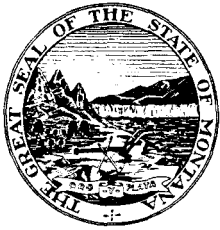
SENATE BILL NO. 27 (Sen. Daniels); DATE March 8, 1985

SPONSOR 85 (Sen. Brown); 90 (Sen. Mazurek)

NAME (please print)	RESIDENCE REPRESENTING	SUPPORT	OPPOSE
Mike Abley	Supreme Court	27	
Mike Lavin	Board of Crime Control	SB 85	
Dorothy McCarter	Attorney General	SB 85	
Mark J. Murphy	A.G.	SB 90	
Mike Mc Girth	SE MONTANA COUNTY ATTY ASSN.	SB 90	
John Connor	Mont. County Atty Assn	SB 90	
Clark Harkler	Board of Crime Control	SB 90	
Robert L. Deschamps III	Co. Atty Gen.	SB 90	
Dianne Donnelly	Mont Assoc of Counties	SB 85	
Maurice Quist	Dist Court Clerks	SB 27	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



BOARD OF CRIME CONTROL

303 NORTH ROBERTS
SCOTT HART BUILDING
HELENA, MONTANA 59620
TELEPHONE NO. 444-3640

Refer to: SB85

During the "1981 Criminal Justice Conference" a major law enforcement issue was identified:

No means exist for the collection, analysis and exchange of criminal intelligence information between law enforcement agencies.

In 1982, the Board of Crime Control charged a task force to examine the criminal intelligence information issue. The task force found that most law enforcement agencies do maintain some sort of intelligence information, but the exchange of this information is an ad hoc, informal process. A need was identified for a formal structure to exchange intelligence information; which would also provide for the protection of the rights of citizens, ensure the validity of information collected, and provide safeguards for its dissemination.

The purposed legislation is permissive in nature. It would allow the Department of Justice to establish a formal intelligence information exchange section, even though at present it does not appear to be prohibited from doing so.

Under the proposal, if the Department of Justice were to establish the intelligence information section, they would be required to have an "advisory council." The information would only be available to law enforcement agencies demonstrating a need for such information and meeting certain criteria to safeguard the information. Any agency violating the safeguards for the protection of this information could be removed from participating in the exchange process.



The Big Sky Country

EXHIBIT B
3/8/85
SB 90

MONTANA STATE SENATE

SENATOR R. J. "DICK" PINSONEAULT

DISTRICT 27

BOX 250
ST. IGNATIUS, MONTANA 59865
HOME PHONE: (406) 745-4221
WORK PHONE: (406) 745-2722

COMMITTEES:

EDUCATION, VICE CHAIRMAN
JUDICIARY
LOCAL GOVERNMENT

January 31, 1985

Members of the House Judiciary Committee

Dear:

You will soon have for consideration SB 90 which is entitled "AN ACT TO EXPAND DISCOVERY IN CRIMINAL CASES: PROVIDING FOR MUTUAL AND RECIPROCAL DISCOVERY IN CRIMINAL CASES; AND REPEALING SECTIONS 46-15-301 THROUGH 46-15-303, MCA." This legislation is modeled after Arizona's, and their experience is that it works very well and has been declared constitutional by their Supreme Court.

What it is designed to do, is simply SPEED UP THE CRIMINAL PROSECUTION PROCESS. Keep in mind that the 6th Amendment to

our Federal Constitution and Article 2, Section 24 of our State Constitution guarantees to the criminal defendant a "speedy and public" trial. As an attorney in private practice and acting as public defender on an assignment basis, as a former prosecutor, judge, and for five years involved in all phases of police work, I think I had a good perspective of the criminal judicial process.

As a general proposition, and speaking as a defense counsel, "time" is always on the defendant's side. This is so for several reasons; time suaves emotions; people tend to forget; witnesses disappear; etc. etc. etc. No one need remind you that the criminal dockets in this state are suffering a severe backlog. In addition to backlogs, there are seemingly endless delays and continuances, many warranted, which the defense counsel continues to bring before our district court judges, especially in felony violations. Section 2 and 3 are the "guts" of this bill. You will note that disclosure by the prosecution includes any and all information the state has available to it and contemplates using in the prosecution of the defendant.

This is not a departure from the current law, since this has always been required by our current statute. You will note that in Section 3, there is a reciprocal requirement toward disclosure by the defendant. Do not be misled into thinking that this information was not available under the old

statute. What was required, was a series of orders and requests by the prosecution to the district judge asking or directing that those things which this act would require disclosed by the defendant and are now outlined in subsection (1), subparagraph (a) through (h) of Section 3.

This may appear at first blush to amount to self-incrimination; however, keep in mind that this requirement does not arise until there has been filed in the district court an indictment or information on the defendant which means the probable cause threshold has already been met.

ALSO KEEP IN MIND, THAT IN SUBSECTION 2, THE DEFENDANT IS ENTITLED TO THE PRESENCE OF COUNSEL AT THE TAKING OF ANY EVIDENCE PURSUANT TO SUBSECTION (1).

Subsections (3) and (4) under Section 3, further elaborate on the type of information that the defendant shall provide to the state and setting a time limit of 30 days. You will also note that at the end of subparagraph (3) there has been added this sentence: "Any evidence that reasonably becomes available after the initial 30 days shall be admitted if (Section 7) is complied with." This provision was added by the Senate Judicial Committee as a protection to the defendant and to insure that the 30 days would not be construed by the presiding judge as an ultimatum or mandate.

You will also note that in Section 4 of the bill there are certain materials that are not subject to disclosure. This applies to the defendant as well as to the prosecution.

Another important aspect of this bill is Section 7 which provides for "a continuing duty to disclose." This applies to the prosecution as well as to the defendant.

Section 8 is a very important section of this bill as it is characterized as "excision and protective orders." What it does in a nutshell is to provide protection to both the state and the defendant in disallowing material that is not relevant; it allows the presiding judge to look at the material or information that is sought to be discovered and a hearing conducted by the presiding judge to determine whether or not the material should in fact be "discovered."

Section 9 is entitled "Sanctions" and allows a presiding judge to hold in contempt either the prosecution or the defendant (his attorney) for failing to comply with any of the provisions of this act. You will note that at page 25, line 10 and line 1, page 11 that the presiding judge may impose any sanction that it finds just under the circumstances, including but not limited to:..." You will also note in subparagraph (5) the court may "declare a mistrial when necessary to prevent a miscarriage of justice."

You find opponents to this bill who will say that the state with all of its unlimited resources stands in an unfair position as far as the prosecution of a criminal case is concerned. To this, I say "nonsense." Within the past year in Beaverhead County, a homicide case was faced with at least ten continuances and delays that extended the case from a year to 18 months from indictment to trial. Since the defendant was indigent, his counsel(s) were paid from taxpayers' monies in excess of \$19,000. This is more than the County Attorney in Beaverhead County makes in one year.

The bottom line in this whole bill is to simply "speed up" the process, and in speeding up the process it is not intended that we deny the defendant his rights to a "fair and impartial trial."

What it simply does is have the defendant as well as the prosecution lay his cards on the table, if you will, in the beginning, and that is as it should be. A speedy trial demands no less and will not in my opinion impede his defense counsel or deny the defendant a fair trial.

Very Respectfully,



R.J. "Dick" PINSONEAULT
Senate District 27

RJP/dw

WITNESS STATEMENT

NAME Marcella Quist BILL NO. SB 27
 ADDRESS 3295 Baker Creek Ln Manhattan Mt 56741 DATE 3/8/85
 WHOM DO YOU REPRESENT? In behalf of the Dist Court Clerks
 SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This bill provides for orientation and annual training sessions of clerks. The training helps ensure consistency and efficiency among clerks and is recognized as necessary by the clerks. In the past the clerks have had schooling twice a year but we need to make it mandatory and provide the necessary funds to allow all clerks may attend. In smaller counties in isolated areas it is necessary for some clerks to travel long distances and incur a large money outlay to make the training sessions. Because of that they sometimes find it difficult to get the necessary training. This is especially important for new clerks so make sure they know the laws and is necessary for mature clerks to know of any new laws each year.

We support SB 27.

Marcella Quist
 In the behalf of Dist Court Clerks