

1 *House* BILL NO. *162*
 2 INTRODUCED BY *Kutler, by request*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 5 95-2404, R.C.M. 1947, TO PERMIT AN APPEAL BY A DEFENDANT
 6 BEFORE FINAL JUDGMENT OF CONVICTION WHERE THE VALIDITY OF A
 7 SEARCH AND SEIZURE HAS BEEN UPHeld BY THE DISTRICT COURT."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 95-2404, R.C.M. 1947, is amended to
 11 read as follows:

12 "95-2404. Scope of appeal. When may be taken by the
 13 defendant.

14 ~~(a)~~ (1) Except as provided in subsection (2) of this
 15 section, an An appeal may be taken by the defendant only
 16 from a final judgment of conviction, and orders after
 17 judgment which affect the substantial rights of the
 18 defendant.

19 (2) An appeal may be taken by the defendant before
 20 final judgment of conviction if the appeal is based solely
 21 upon grounds involving search and seizure, the validity of
 22 which was upheld by the district court in proceedings
 23 conducted pursuant to section 95-1806, R.C.M. 1947.

24 ~~(a)~~ (3) Upon appeal from a judgment, the court may
 25 review the verdict or decision, and any order or decision

1 objected to which involves the merits, or necessarily
 2 affects the judgment."

-End-

HB 162

Approved by Committee
on Judiciary

1 *House* BILL NO. *163*
2 INTRODUCED BY *Keller, by request*

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24 ~~(b)~~ (3) Upon appeal from a judgment, the court may
25 review the verdict or decision, and any order or decision

1 *House* BILL NO. *163*
 2 INTRODUCED BY *Miller, by request*
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24 ~~(3)~~ (3) Upon appeal from a judgment, the court may
 25 review the verdict or decision, and any order or decision

1 objected to which involves the merits, or necessarily
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-End-