

1 *House* BILL NO. 567
 2 INTRODUCED BY *William Kilde Saly*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 5 79-2315, R.C.M. 1947, TO REQUIRE THE ATTORNEY GENERAL AND
 6 COUNTY ATTORNEYS IN PROSECUTIONS RESULTING FROM LEGISLATIVE
 7 AUDITS, TO TURN OVER INVESTIGATIVE MATERIALS TO THE SUPREME
 8 COURT IN CASES OF SUSPECTED UNETHICAL CONDUCT BY ATTORNEYS."
 9

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

11 Section 1. Section 79-2315, R.C.M. 1947, is amended to
 12 read as follows:

13 "79-2315. Attorney general shall prosecute. The
 14 attorney general shall conduct on behalf of the state, all
 15 prosecutions for public offenses disclosed by an audit of a
 16 state agency performed by the legislative auditor. If the
 17 attorney general shall decline such prosecution or shall
 18 fail to commence action on a public offense within a
 19 reasonable time the county attorney of the appropriate
 20 county shall conduct on behalf of the state such
 21 prosecution.

22 In any action taken by the attorney general or any
 23 county attorney under this section, wherein any attorney in
 24 the state of Montana is charged, or may have engaged in
 25 unethical conduct, all records, including investigative

1 materials, shall be turned over to the supreme court
 2 immediately upon completion of the action."

-End-

HB 567

SECOND READING

MISSING

1 BILL NO. 567
2 INTRODUCED BY William Keith Kelly

3
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THIRD READING

-2- H18 567

March 17, 1975

SENATE COMMITTEE ON JUDICIARY
AMENDMENTS TO HOUSE BILL NO. 567

That House Bill No. 567, third reading, be amended as follows:

1. Amend title, lines 7 and 8.
Following: "THE"
Strike: "SUPREME COURT"
Insert: "appropriate disciplinary authority"
2. Amend title, line 8.
Following: "BY"
Strike: "ATTORNEYS"
Insert: "professional persons"
3. Amend page 1, section 1, line 23.
Following: "county"
Strike: "attorney"
Insert: "professional person"
4. Amend page 2, section 1, line 1.
Following: "the"
Strike: "supreme court"
Insert: "appropriate disciplinary authority of his
or her profession"

HOUSE BILL NO. 567

INTRODUCED BY JIM MOORE, KIMBLE, SCULLY

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 79-2315, R.C.M. 1947, TO REQUIRE THE ATTORNEY GENERAL AND COUNTY ATTORNEYS IN PROSECUTIONS RESULTING FROM LEGISLATIVE AUDITS, TO TURN OVER INVESTIGATIVE MATERIALS TO THE SUPREME COURT APPROPRIATE DISCIPLINARY AUTHORITY IN CASES OF SUSPECTED UNETHICAL CONDUCT BY ATTORNEYS PROFESSIONAL PERSONS."

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

Section 1. Section 79-2315, R.C.M. 1947, is amended to read as follows:

"79-2315. Attorney general shall prosecute. The attorney general shall conduct on behalf of the state, all prosecutions for public offenses disclosed by an audit of a state agency performed by the legislative auditor. If the attorney general shall decline such prosecution or shall fail to commence action on a public offense within a reasonable time the county attorney of the appropriate county shall conduct on behalf of the state such prosecution.

In any action taken by the attorney general or any county attorney PROFESSIONAL PERSON under this section,

wherein any attorney in the state of Montana is charged, or may have engaged in unethical conduct, all records, including investigative materials, shall be turned over to the ~~supreme-court~~ APPROPRIATE DISCIPLINARY AUTHORITY OF HIS OR HER PROFESSION immediately upon completion of the action."

-End-