

1 HOUSE BILL NO. 363

2 INTRODUCED BY COONEY, DUSSAULT, MELOY, BRADLEY,
3 UHDE, COURTNEY, BRAND, PALMER
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE USE OF
6 VIDEOTAPE EQUIPMENT TO RECORD THE TESTIMONY OF THE VICTIM IN
7 A CASE ARISING UNDER SECTION 94-5-503, R.C.M. 1947, SEXUAL
8 INTERCOURSE WITHOUT CONSENT."
9

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

11 Section 1. Videotape testimony allowed. For any
12 prosecution commenced under 94-5-503, the testimony of the
13 victim, at the request of such victim and with the
14 concurrence of the prosecuting attorney, may be recorded by
15 means of videotape for presentation at the trial of such
16 charge. The testimony so recorded may be presented at trial
17 and shall be received into evidence. The victim need not be
18 physically present in the courtroom for the district court
19 trial when her testimony is so recorded.

20 Section 2. Videotape proceedings -- who may attend.
21 (1) The procedural and evidentiary rules of the state of
22 Montana which are applicable to criminal trials within the
23 state of Montana shall apply to the videotape proceedings
24 authorized by this act.

25 (2) The district court judge, the prosecuting

1 attorney, the victim, the defendant, the defendant's
2 attorney, and such persons as are deemed necessary by the
3 court to make the recordings authorized under this act shall
4 be allowed to attend the videotape proceedings. No other
5 persons may be admitted into the presence of the court
6 during such proceedings.

-End-

Approved by Committee
on Judiciary

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-End-

SECOND READING

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 16 charge. The testimony so recorded may be presented at trial
 17 and shall be received into evidence. ~~The victim need not be~~
 18 ~~physically present in the courtroom for the district court~~
 19 ~~trial when her testimony is so recorded.~~

20 Section 2. Videotape proceedings -- who may attend.

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 22 Montana which are applicable to criminal trials within the
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 4 be allowed to attend the videotape proceedings. ~~No other~~
 5 ~~persons may be admitted into the presence of the court~~
 6 ~~during such proceedings.~~

-End-

March 19, 1977

STANDING COMMITTEE REPORT
Senate Committee on Judiciary

That House Bill No. 363 be amended as follows:

1. Amend page 1, section 1, line 17.

Following: "evidence."

Insert: "The victim need not be physically present in the courtroom when the videotape is admitted into evidence."

2. Amend page 2, section 2, line 6.

Following: line 6

Insert: "Section 3. Court record -- privacy of victim. Videotapes which are part of a court record are subject to a protective order of the court for the purpose of protecting the privacy of the victim."

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means of videotape for presentation at the trial of such
charge. 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 for the district court
trial when her testimony is so recorded.~~ THE VICTIM NEED NOT
BE PHYSICALLY PRESENT IN THE COURTROOM WHEN THE VIDEOTAPE IS
ADMITTED INTO EVIDENCE.

Section 2. Videotape proceedings -- who may attend.

(1) The procedural and evidentiary rules of the state of
Montana which are applicable to criminal trials within the
state of Montana shall apply to the videotape proceedings

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(2) The district court judge, the prosecuting
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court to make the recordings authorized under this act shall
be allowed to attend the videotape proceedings. ~~No other
persons may be admitted into the presence of the court
during such proceedings.~~

SECTION 3. COURT RECORD -- PRIVACY OF VICTIM.
VIDEOTAPES WHICH ARE PART OF THE COURT RECORD ARE SUBJECT TO
A PROTECTIVE ORDER OF THE COURT FOR THE PURPOSE OF
PROTECTING THE PRIVACY OF THE VICTIM.

-End-