

1 H BILL NO. 382  
2 INTRODUCED BY Burnett

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE COUNTY  
5 ATTORNEY TO PROVIDE LEGAL ASSISTANCE, WITHOUT FEE, TO THE  
6 OFFICERS OF ANY POLITICAL SUBDIVISION OF THE COUNTY,  
7 INCLUDING BUT NOT LIMITED TO BOARDS AND AUTHORITIES  
8 ESTABLISHED BY THE COUNTY; AMENDING SECTION 16-3101, R.C.M.  
9 1947."

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

12 Section 1. Section 16-3101, R.C.M. 1947, is amended to  
13 read as follows:

14 "16-3101. Duties of county attorney. The county  
15 attorney is the public prosecutor, and must:

16 1. Attend the district court and conduct, on behalf of  
17 the state, all prosecutions for public offenses and  
18 represent the state in all matters and proceedings to which  
19 it is a party, or in which it may be beneficially  
20 interested, at all times and in all places within the limits  
21 of his county;

22 2. Institute proceedings before magistrates for the  
23 arrest of persons charged with or reasonably suspected of  
24 public offenses, when he has information that such offenses  
25 have been committed, and for that purpose, whenever not

1 otherwise officially engaged, must attend upon the  
2 magistrate in cases of arrest, and attend before and give  
3 advice to the grand jury, whenever cases are presented to  
4 them for their consideration;

5 3. Draw all indictments and informations, defend all  
6 suits brought against the state or his county, prosecute all  
7 recognizances forfeited in the courts of record, and all  
8 actions for the recovery of debts, fines, penalties, and  
9 forfeitures accruing to the state or his county;

10 4. Deliver receipts for money or property received in  
11 his official capacity, and file duplicates thereof with the  
12 county treasurer;

13 5. On the first Monday of January, April, July, and  
14 October, in each year, file with the county clerk an  
15 account, verified by his oath, of all moneys received by him  
16 in his official capacity during the preceding three months,  
17 and at the same time pay it over to the county treasurer;

18 6. Give when required, and without fee, his opinion in  
19 writing to:

20 (a) the county ~~and district and township~~ officers,  
21 on matters relating to the duties of their respective  
22 offices;

23 (b) the officers of any political subdivision of the  
24 county, including but not limited to boards and authorities  
25 established by the county, on matters relating to the duties

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1 of their respective offices:

2 7. Act as counsel, without fee, for fire districts in  
3 unincorporated territories, towns or villages within his  
4 county;

5 8. Keep a register of all official business, in which  
6 must be entered a note of every action, whether criminal or  
7 civil, prosecuted officially, and of the proceedings  
8 therein.

9 9. When ordered or directed by the attorney general so  
10 to do, to promptly institute and diligently prosecute in the  
11 proper court, and in the name of the state of Montana, any  
12 criminal or civil action or special proceeding, it being  
13 hereby declared that the supervisory powers granted to the  
14 attorney general by section 82-401 (5), include the power to  
15 order and direct said county attorneys in all matters  
16 pertaining to the duties of their office."

-End-

Committee on Judiciary  
Objection Raised to  
Adverse Committee Report

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