45th Legislature

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otherwise officially engaged, must attend upon the magistrate in cases of arrest, and attend before and give advice to the grand jury, whenever cases are presented to them for their consideration: 3. Oraw all indictments and informations, defend all suits brought against the state or his county, prosecute all recognizances forfeited in the courts of record, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or his county; 4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the county treasurer; 5. On the first Monday of January, April, July, and Sctober, in each year, file with the county clerk an account, verified by his path, of all moneys received by him in his official capacity during the preceding three months. and at the same time pay it over to the county treasurer; 6. Give when required, and without fee, his opinion in writing to: (a) the county, and districty-and--township officers, on matters relating to the duties of their respective offices: (b) the officers of any political subdivision of the county. including but not limited to boards and authorities established by the county, on matters relating to the duties

_______ BILL NO. 382 1 INTRODUCED BY _Businett 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE COUNTY ATTORNEY TO PROVIDE LEGAL ASSISTANCE, WITHOUT FEE, TO THE 5 OFFICERS OF ANY POLITICAL SUBDIVISION OF THE COUNTY, 6 INCLUDING BUT NOT LIMITED TO BOARDS AND AUTHORITIES 7 8 ESTABLISHED BY THE COUNTY; AMENDING SECTION 16-3101, R.C.M. 9 1947." 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 16-3101, R.C.M. 1947, is amended to 12 read as follows: 13 "16-3101. Duties of county attorney. The county 14 attorney is the public prosecutor, and must: 15 1. Attend the district court and conduct, on behalf of 16 the state, all prosecutions for public offenses and 17 13 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; 2. Institute proceedings before magistrates for the 22 23 arrest of persons charged with or reasonably suspected of public offenses, when he has information that such offenses 24 have been committed, and for that purpose, whenever not 25

INTRODUCED BILL

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1 of their respective offices:

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

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

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

-End-

45th Legislature

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Committee on Judiciary Objection Raised to Adverse Committee Report

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SECOND READING

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