

HOUSE BILL NO. 209  
INTRODUCED BY KEEDY

IN THE HOUSE

January 14, 1981	Introduced and referred to Committee on Judiciary.
January 23, 1981	Committee recommend bill do pass. Report adopted.
January 24, 1981	Bill printed and placed on members' desks.
January 26, 1981	Second reading, do pass.
January 27, 1981	Considered correctly engrossed.  Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 28, 1981	Introduced and referred to Committee on Judiciary.
March 23, 1981	Committee recommend bill be concurrred in as amended. Report adopted.
March 25, 1981	Second reading, concurred in.
March 27, 1981	Third reading, concurred in as amended. Ayes, 49; Noes, 1.

IN THE HOUSE

March 28, 1981	Returned from Senate with amendments.
April 8, 1981	Second reading, amendments not concurred in.  On motion Free Conference Committee requested and appointed.

April 11, 1981

Free Conference Committee dissolved.

On motion new Free Conference Committee requested and appointed.

April 16, 1981

Free Conference Committee reported.

Free Conference Committee dissolved.

On motion rules suspended and bill placed on second reading this day.

April 17, 1981

Second reading, Free Conference Committee report adopted.

On motion rules suspended and bill placed on third reading this day.

Third reading, Free Conference Committee report adopted. Ayes, 96; Noes, 0. Transmitted to Senate.

#### IN THE SENATE

April 20, 1981

Free Conference Committee report adopted.

#### IN THE HOUSE

April 20, 1981

Returned from Senate. Concurred in. Sent to enrolling.

Reported correctly enrolled.

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5    OF ACTION THAT A JUDGE MAY TAKE WHEN HE DETERMINES THAT A  
6    FAIR TRIAL CANNOT BE HAD IN THE COUNTY IN WHICH THE  
7    PROSECUTION IS PENDING; AMENDING SECTION 46-13-203, MCA."

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

10         Section 1. Section 46-13-203, MCA, is amended to read:

11         "46-13-203. Change of place of trial. (1) The  
12         defendant or the prosecution may move for a change of place  
13         of trial on the ground that there exists in the county in  
14         which the charge is pending such prejudice that a fair trial  
15         cannot be had in such county. The motion must be made at  
16         least 15 days prior to trial except that, if good cause is  
17         shown, it may be made thereafter.

18         (2) The motion must be in writing and supported by an  
19         affidavit which must state facts showing the nature of the  
20         prejudice alleged. The defendant or the state may file  
21         counteraffidavits. The court shall conduct a hearing and  
22         determine the merits of the motion.

23         (3) If the court determines that there exists in the  
24         county in which the prosecution is pending such prejudice  
25         that a fair trial cannot be had, it shall:

- 1            ~~(a) transfer the cause to any other court of competent~~
- 2            ~~jurisdiction in any county in which a fair trial may be had;~~
- 3            ~~(b) direct that a jury be selected in any county where~~
- 4            ~~a fair trial may be had and then returned to the county~~
- 5            ~~where the prosecution is pending to try the case; or~~
- 6            ~~(c) take any other action designed to insure that a~~
- 7            ~~fair trial may be had."~~

-End-

-2-    INTRODUCED BILL  
          HB 209

Approved by Committee  
on Judiciary

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 7                   (c) (B) take any other action designed to insure that a  
 8                   fair trial may be had."

-End-

April 15, 1981

FREE CONFERENCE COMMITTEE  
ON SENATE AMENDMENTS TO HOUSE BILL NO. 209

(Report No. 1, April 14, 1981)

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill 209,  
met April 14, 1981 and considered:

Senate Judiciary Committee Amendments to the third  
reading copy, dated March 23, 1981, and recommend as follows:


That the Senate recede from Senate Judiciary Committee  
Amendments 1 through 2;

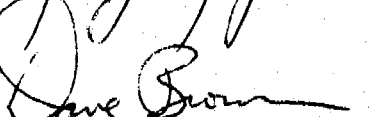
And, that the Free Conference Committee Report to House  
Bill 209 be adopted.

FOR THE HOUSE:

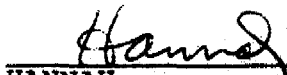
FOR THE SENATE:

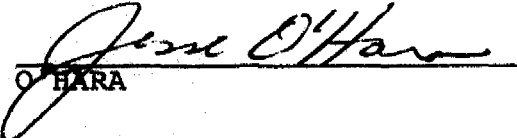
  
KEYSER, Chairman

  
B. BROWN

  
BROWN

  
MAZUREK

  
HANNAH

  
O'HARA

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2 jurisdiction in any county in which a fair trial may be had;

3 OR

4 ~~(b) direct that a jury be selected in any county where  
5 a fair trial may be had and then returned to the county  
6 where the prosecution is pending to try the case; or~~

7 (B) DIRECT THAT A JURY BE SELECTED IN ANY COUNTY WHERE  
8 A FAIR TRIAL MAY BE HAD AND THEN RETURNED TO THE COUNTY  
9 WHERE THE PROSECUTION IS PENDING TO TRY THE CASE; OR

10 ~~(c) (B) take any other action designed to insure  
11 that a fair trial may be had."~~

-End-



March 23, 1981

SENATE STANDING COMMITTEE REPORT  
(Judiciary)

That House Bill No. 209 be amended as follows:

1. Page 2, line 2.

Following: line 2

Insert: "or"

2. Page 2, lines 3 through 5.

Strike: subsection (b) in its entirety

Reletter: the following subsection.