SENATE JOINT RESOLUTION NO. 2

INTRODUCED BY VAN VALKENBURG

BY REQUEST OF THE ATTORNEY GENERAL

IN THE SENATE

January	6, 1981	Introduced and referred to Committee on Judiciary.
January	21, 1981	Committee recommend bill do pass as amended. Report adopted.
January	22, 1981	Bill printed and placed on members' desks.
January	23, 1981	Second reading, do pass.
January	24, 1981	Considered correctly engrossed.
January	26, 1981	Third reading, passed. Transmitted to House.

I	N THE	HOUSE	
January 27, 1981			roduced and referred to sittee on Judiciary.
March 20, 1981		be o	enittee recommend bill concurred in as amended. ort adopted.
March 26, 1981			ond reading, pass consideration the 71st legislative day.
April 1, 1981			ond reading, pass consideration the 75th legislative day.
April 7, 1981		Seco	ond reading, pass consideration.
April 9, 1981		Seco	ond reading, concurred in.
		bill	notion rules suspended and placed on third reading a day.

April 9, 1981

Third reading, concurred in as amended. Ayes, 90; Noes, 3.

IN THE SENATE

April 10, 1981

Returned from House with amendments.

April 11, 1981

Second reading, amendments concurred in.

On motion rules suspended. Bill placed on calendar for third reading this day.

Third reading, amendments concurred in. Ayes, 47; Noes, 2. Sent to enrolling.

Reported correctly enrolled.

1	SENATE JOINT RESOLUTION NO. 2
2	INTRODUCED BY
3	BY REQUEST OF THE ATTORNEY GENERAL
4	
5	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
٥	REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
7	INTERIM STUDY OF THE MONTANA CRIMINAL JUSTICE SYSTEM.
8	INCLUDING ALTERNATIVE WAYS AND EFFECTS OF REDISTRICTING
9	MONTANA'S DISTRICT COURT SYSTEM, ESTABLISHING A STATEWIDE
10	DISTRICT ATTORNEY SYSTEM FOR CRIMINAL PROSECUTIONS, AND
11	PROVIDING FOR A STATEWIDE SYSTEM OF REPRESENTATION FOR
12	INDIGENTS ACCUSED OF CRIMES; REQUIRING A REPORT OF THE
13	FINDINGS OF THE STUDY TO THE LEGISLATURE.
14	
15	WHEREAS, it is apparent that the equitable
16	administration of criminal justice throughout the State of
17	Montana is at times thwarted because of the tremendous
18	caseload of certain District Courts; and
19	WHEREAS, the civil caseload of certain District Courts
20	is so large that unreasonable delays in the resolution of
21	conflicts often occur; and
22	WHEREAS+ the current County Attorney system for
23	criminal prosecutions results in inconsistencies in the
24	administration of criminal justice in the State of Montana;
25	and

1	WHEREAS, the increasing sophistication of criminal
2	activity in the State of Montana can only be counteracted by
3	highly trained, professional prosecutors; and
4	WHEREAS, the constitutional requirement of the
5	effective assistance of counsel for persons accused of
6	crimes has not been achieved consistently on a statewide
7	basis; and
8	WHEREAS, the cost of defense in a major felony
9	prosecution can create a tremendous burden on an individual
10	county.
11	
12	NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
13	OF REPRESENTATIVES OF THE STATE OF MONTANA:
14	That in accordance with section 5-5-217, MCA, the
15	Legislative Council is requested to assign a joint

17 (1) the need for restructuring Montana's judicial
18 districts taking into account civil and criminal caseload as
19 well as geographical considerations;

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subcommittee to study:

- (2) alternative plans for redistricting the presentjudicial district;
- (3) the effects of redistricting judicial districts on
 the administration of justice and the costs and benefits;
- 24 (4) the need for establishing a District Attorney25 system for criminal prosecutions;

- 1 (5) alternative plans for establishing District
 2 Attorney districts and their relationship to Montana's
 3 judicial districts:
- 4 (6) the effects of establishing a District Attorney
 5 system on the administration of criminal justice and the
 6 costs involved;
- 7 (7) the need for a statewide system of publicly funded8 defense services for indigents accused of crimes;
- 9 (8) the alternative plans for the public defender
 10 system; and
- ii (9) the effects of providing defense services under a
 statewide system and the cost rami∷cations of the system.

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BE IT FURTHER RESOLVED, that the Committee report the findings of the study to the 48th Legislature and, if necessary, draft legislation to implement its recommendations.

-End-

subcommittee to study:

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Approved by Committee on Judiciary

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6	REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
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8	INCLUDING ALTERNATIVE WAYS AND EFFECTS OF REDISTRICTING
9	MONTANA®S DISTRICT COURT SYSTEM. ESTABLISHING A STATEWIDE
0	DISTRICT ATTORNEY SYSTEM FOR CRIMINAL PROSECUTIONS, AND
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.6	administration of criminal justice throughout the State of
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.8	caseload of certain District Courts; and
9	WHEREAS, the civil caseload of certain District Courts
0	is so large that unreasonable delays in the resolution of
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:3	criminal prosecutions results in inconsistencies in the
:4	administration of criminal justice in the State of Montana;
!5	and

SENATE JOINT RESOLUTION NO. 2

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6	crimes has not been achieved consistently on a statewide
7	basis; and
8	WHEREAS, the cost of defense in a major felon
9	prosecution can create a tremendous burden on an individua
10	county.
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well as geographical considerations; 19 20 (2) alternative plans for redistricting the present judicial district;

(1) the need for restructuring Montana's judicial

districts taking into account civil and criminal caseload as

- (3) the effects of redistricting judicial districts on 22 23 the administration of justice and the costs and benefits;
- 24 (4) the need for establishing a District Attorney 25 system for criminal prosecutions;

(5) alternative plans for establishing District Attorney districts and their relationship to Montana's judicial districts;

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- 4 (6) the effects of establishing a District Attorney
 5 system on the administration of criminal justice and the
 6 costs involved;
 - (7) the need for a statewide system of publicly funded defense services for indigents accused of crimes;
- 9 (8) the alternative plans for the public defender 10 system; and
- 11 (9) the effects of providing defense services under a 12 statewide system and the cost ramifications of the systemw: 13 AND
- 14 (10) EFFICIENCY: COSIS: AND ADMINISTRATION OF THE
 15 EXISTING JUVENILE JUSTICE SYSTEM:
- BE IT FURTHER RESOLVED, that the Committee report the findings of the study to the 48th Legislature and, if necessary, draft legislation to implement its recommendations.

-End-

SJR 0002/02

SENATE JOINT RESOLUTION NO. 2 ı 2 INTRODUCED BY VAN VALKENBURG BY REQUEST OF THE ATTORNEY GENERAL 3 4 5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE MONTANA CRIMINAL JUSTICE SYSTEM, 7 INCLUDING ALTERNATIVE WAYS AND EFFECTS OF REDISTRICTING MONTANA'S DISTRICT COURT SYSTEM. ESTABLISHING A STATEHIDE 9 10 DISTRICT ATTORNEY SYSTEM FOR CRIMINAL PROSECUTIONS. AND 11 PROVIDING FOR A STATEWIDE SYSTEM OF REPRESENTATION FOR 12 INDIGENTS ACCUSED OF CRIMES: REQUIRING A REPORT OF THE 13 FINDINGS OF THE STUDY TO THE LEGISLATURE. 15 WHEREAS, it is apparent that the

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47th Legislature

equitable administration of criminal justice throughout the State of Montana is at times thwarted because of the tremendous caseload of certain District Courts; and

19 WHEREAS, the civil caseload of certain District Courts 20 is so large that unreasonable delays in the resolution of 21 conflicts often occur; and

WHEREAS, the current County Attorney system for criminal prosecutions results in inconsistencies in the administration of criminal justice in the State of Montana; and

SJR 0002/02

1	WHEREAS,	the	increasing	sophistic	ation	of	criminal
2	activity in the	Sta	te of Montan	a can only	be co	unte	racted by
3	highly trained,	pro	fessional pr	osecutors;	and		

WHEREAS. the constitutional requirement of the 4 5 effective assistance of counsel for persons accused of crimes has not been achieved consistently on a statewide basis; and 7

WHEREAS, the cost of defense in a major felony prosecution can create a tremendous burden on an individual 9 10 county.

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12 NOW. THEREFORE. BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: 13

14 That in accordance with section 5-5-217, MCA, the 15 Legislative Council is requested to assign a joint 16 subcommittee to study:

(1) the need for restructuring Montana's judicial 17 18 districts taking into account civil and criminal caseload as 19 well as geographical considerations;

20 (2) alternative plans for redistricting the present judicial district; 21

(3) the effects of redistricting judicial districts on the administration of justice and the costs and benefits;

24 (4) the need for establishing a District Attorney 25 system for criminal prosecutions;

(5)	alternative	e pl	ane	for	establish	ing	District
Attorney	districts	and	their	rel	ationship	to	Montana's
judicial	districts;						

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- (5) the effects of establishing a District Attorney system on the administration of criminal justice and the costs involved;
- (7) the need for a statewide system of publicly funded defense services for indigents accused of crimes;
- 9 (8) the alternative plans for the public defender 10 system; and
- 11 (9) the effects of providing defense services under a

 12 statewide system and the cost ramifications of the systems:

 13 AND
- 14 (10) EFFICIENCY. COSTS: AND ADMINISTRATION OF THE
 15 EXISTING JUVENILE JUSTICE SYSTEM.
 - BE IT FURTHER RESOLVED, that the Committee report the findings of the study to the 48th Legislature and, if necessary, draft legislation to implement its recommendations.

-End-

47th Legislature SJR 0002/03 SJR 0002/03

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6	REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
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15	WHEREAS, it is apparent that the equitable
16	administration of criminal justice throughout the State of
17	Montana is at times thwarted because of the tremendous
18	caseload of certain District Courts; and
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20	is so large that unreasonable delays in the resolution of
21	conflicts often occur: and
22	WHEREAS: the current County Attorney system for
23	criminal prosecutions results in inconsistencies in the
24	administration of criminal justice in the State of Montana:
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1	WHEREAS, the increasing sophistication of criminal
2	activity in the State of Montana can only be counteracted by
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5	effective assistance of counsel for persons accused of
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9	prosecution can create a tremendous burden on an individual
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12	NON, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
13	OF REPRESENTATIVES OF THE STATE OF MONTANA:
14	That in accordance with section 5-5-217, MCA, the
15	Legislative Council is requested to assign a joint
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17	(1) the need for restructuring Montana's judicial
18	districts taking into account civil and criminal caseload as
19	well as geographical considerations;
20	(2) alternative plans for redistricting the present
21	judicial district;
22	(3) the effects of redistricting judicial districts on

the administration of justice and the costs and benefits;

system for criminal prosecutions;

(4) the need for establishing a District Attorney

1	(5) alternative plans for establishing District
2	Attorney districts and their relationship to Montana's
3	judicial districts;
4	(6) the effects of establishing a District Attorney
5	system on the administration of criminal justice and the
6	costs involved;
7	(7) the need for a statewide system of publicly funded
8	defense services for indigents accused of crimes;
9	(8) the alternative plans for the public defender
10	system; and AND
11"	(9) the effects of providing defense services under a
12	statewide system and the cost ramifications of the systeme <u>t</u>
13	AND.

-End-

findings of the study to the 48th Legislature and if legislation to

1101-EFFICIENCY----COSTSV--AND--ADMINISTRATION--DF--THE

BE IT FURTHER RESOLVED, that the Committee report the

EXISTING-JUVENILE-JUSTICE-SYSTEM.

draft

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necessary.

recommendations.

implement

JUDICIARY COMMITTEE
MARCH 19, 1981

THE FINDINGS OF THE STUDY TO THE LEGISLATURE.

Respectfully report as follows: That ... SENATE JOINT RESOLUTION Bill No. ... 2

BE AMENDED AS FOLLOWS:

1. Page 3, lines 14 and 15. Strike: subsection (10) in its entirety