

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.

IN THE HOUSE

January 27, 1981	Introduced and referred to Committee on Judiciary.
March 20, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 26, 1981	Second reading, pass consideration to the 71st legislative day.
April 1, 1981	Second reading, pass consideration to the 75th legislative day.
April 7, 1981	Second reading, pass consideration.
April 9, 1981	Second reading, concurred in.  On motion rules suspended and bill placed on third reading this 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.

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 2     INTRODUCED BY VAN VALKENBURG  
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4  
 5     A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 6     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  
 16    subcommittee to study:

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  
 23    the administration of justice and the costs and benefits;

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

INTRODUCED BILL  
 SJR2

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

11           (9) the effects of providing defense services under a  
12 statewide system and the cost ramifications of the system.

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

-End-

Approved by Committee  
on Judiciary

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14 ~~(10) EFFICIENCY, COSTS, AND ADMINISTRATION OF THE~~  
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16 BE IT FURTHER RESOLVED, that the Committee report the  
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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