

SENATE JOINT RESOLUTION NO. 30

INTRODUCED BY AKLESTAD, UNDERDAL, KOLSTAD, TURNAGE, DONALDSON, CONROY, VINGER, DEVLIN, KROPP, STORY, HAPPERMAN, P. RYAN, VAN VALKENBURG, J. JACOBSON, E. SMITH, McCALLUM, MANLEY, ASAY, ECK, MAZAREK, C. SMITH, D. O'HARA, J. RYAN, COZZENS, GALT, STOBIE, GOULD, HAZELBAKER, MATSKO, J. O'HARA, LEE, GRAHAM, KEATING, KEEDY, HANNAH, WINSLOW

IN THE SENATE

March 18, 1981	Introduced and referred to Committee on Judiciary.
March 23, 1981	Committee recommend bill do pass. Report adopted.
March 24, 1981	Bill printed and placed on members' desks.
March 25, 1981	Second reading, do pass.
March 26, 1981	Correctly engrossed.
March 27, 1981	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.

IN THE HOUSE

March 30, 1981	Introduced and referred to Committee on Judiciary.
April 2, 1981	Committee recommend bill be concurred in. Report adopted.
April 7, 1981	Motion pass consideration.
April 10, 1981	Second reading, concurred in.  On motion rules suspended and bill placed on third reading this day.  Third reading, concurred in. Ayes, 88; Noes, 3.

IN THE SENATE

April 11, 1981

Returned from House. Concurred  
in. Sent to enrolling.

Reported correctly enrolled.

*John Otterson Lee*  
*Senate* JOINT RESOLUTION NO. *30* *Admission to Practice*

INTRODUCED BY *AKL* *Underdal* *Richard* *Turnage*

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN

INTERIM STUDY OF DELAYS IN THE ADMINISTRATION OF APPEALS OF CRIMINAL CASES IN THE CRIMINAL JUSTICE SYSTEM OF MONTANA AND MEANS BY WHICH THE INSTITUTIONAL CAUSES OF THESE DELAYS

COULD BE LAWFULLY ELIMINATED; REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE LEGISLATURE.

*E. Smith* *McCallister*

WHEREAS, recent cases have shown that persons charged or convicted of criminal offenses have brought multiple and successive appeals or appellate requests before state and federal courts, which should have been consolidated to avoid multiplicity of appellate procedures, thereby delaying and often denying the proper administration of criminal justice; and

WHEREAS, multiple appeals and multiple attempts at postconviction relief utilize critical state resources, reduce the deterrent effect of capital punishment, and decrease respect for the legal system; and

WHEREAS, the Chief Justice of the United States Supreme Court has recently called for changes in the federal judicial system to speed the imposition of punishment for

criminal offenders; and

WHEREAS, changes in the current legal system of appeals and other forms of postconviction relief may involve the constitutional rights of criminal offenders under complicated and conflicting judicial opinions and under the interrelated legal systems of both the state and federal government.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That an appropriate interim committee be assigned to study:

(1) the causes of and the means to prevent delays in the criminal justice system occasioned by multiple and successive appeals or appellate requests in state or federal courts made by those charged with or convicted of criminal offenses;

(2) the minimum appeal process or other postconviction relief that the state must afford a person, under the state and federal constitutions;

(3) the means by which appeals or other requests for relief by those charged with or convicted of criminal offenses may be consolidated in one proceeding and thereby provide a one stop or one time review of such matters, which means shall nevertheless guarantee the constitutional rights

1 of such persons;

2 (4) any other aspect of the criminal justice system  
3 that may relate to appellate relief.

4 BE IT FURTHER RESOLVED, that the committee report the  
5 findings of the study to the 48th Legislature and, if  
6 necessary, draft legislation to implement its  
7 recommendations, and that the report shall be sent to  
8 Montana's Congressional delegation.

-End-

Approved by Committee on Judiciary

1 *Johnathan Lee*  
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*James O'Hara Lee*  
~~Senate~~ JOINT RESOLUTION NO. *30* ~~30~~ *James Keating*

INTRODUCED BY *Alfred Underdal, Helstad, Turnage*

*John Keedy, Matt Tomberger, Howard Wilson, Courroy*

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*W. H. H. Jackson, E. Smith, McCallum*

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