

HOUSE BILL NO. 10

INTRODUCED BY CURTISS

BY REQUEST OF THE JOINT SUBCOMMITTEE ON JUDICIARY

IN THE HOUSE

January 3, 1983	Introduced and referred to Committee on Judiciary.
January 6, 1983	Committee recommend bill do pass. Report adopted.
January 7, 1983	Bill printed and placed on members' desks.
January 8, 1983	Second reading, do pass.
January 10, 1983	Considered correctly engrossed.
January 11, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 12, 1983	Introduced and referred to Committee on Judiciary.
January 20, 1983	Committee recommend bill be concurred in. Report adopted.
January 24, 1983	Second reading, concurred in.
January 26, 1983	Third reading, concurred in. Ayes, 46; Noes, 2.

IN THE HOUSE

January 26, 1983	Returned to House.
January 27, 1983	Sent to enrolling. Reported correctly enrolled.

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE
6 TRAINING COORDINATOR FOR COUNTY ATTORNEYS MAY ACT AS SPECIAL
7 COUNSEL TO A COUNTY; REQUIRING THE COUNTY TO PAY FOR THESE
8 SPECIAL COUNSEL SERVICES; AMENDING SECTION 44-4-103, MCA."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 Section 1. Section 44-4-103, MCA, is amended to read:
12 "44-4-103. Functions. The training coordinator shall
13 perform the functions assigned by the attorney general. The
14 functions may include but are not limited to the following:
15 (1) providing local training in current aspects of the
16 criminal law for county attorneys and other law enforcement
17 personnel;
18 (2) assisting in developing and disseminating
19 standards, procedures, and policies which will insure that
20 criminal laws are applied consistently and uniformly
21 throughout Montana;
22 (3) consolidating present and past information on
23 important aspects of the criminal law and providing a pool
24 of official opinions, legal briefs, and other relevant
25 criminal law information;

1 (4) providing assistance with research, briefs, or
2 other technical services requested by a county attorney or
3 law enforcement official;
4 (5) applying for and disbursing federal funds
5 available to aid the prosecutorial function; and
6 ~~(6) as provided in [section 2], acting as special~~
7 ~~counsel."~~
8 NEW SECTION. Section 2. Request for special counsel
9 services. (1) Except as provided in subsection (2), the
10 training coordinator may act as special counsel upon request
11 of the county attorney with the approval of the governing
12 body of a county.
13 (2) If a case involves the prosecution of a member of
14 the governing body of a county or a person related to him by
15 consanguinity within the fourth degree or affinity within
16 the second degree, the coordinator may, with the consent of
17 the attorney general, act as special counsel upon request of
18 the county attorney without approval of the governing body
19 of the county.
20 NEW SECTION. Section 3. County payment for special
21 counsel services. Whenever the training coordinator acts as
22 special counsel as provided in [section 2], the department
23 of justice shall charge the county a reasonable hourly fee
24 for the training coordinator's services. Upon receipt of
25 payment for these services, the department shall deposit

1 these funds into the state general fund.

2 NEW SECTION. Section 4. Codification instruction.

3 Sections 2 and 3 are intended to be codified as integral
4 parts of Title 44, chapter 4, part 1, and the provisions of
5 Title 44, chapter 4, part 1, apply to sections 2 and 3.

-End-

STATE OF MONTANA

REQUEST NO. 022-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, 19 83, there is hereby submitted a Fiscal Note for House Bill 10 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 10 provides that the Training Coordinator for county attorneys may act as special council to a county; and requires the county to pay for these special counsel services.

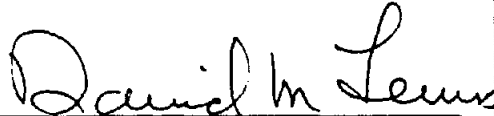
FISCAL IMPACT:

None.

LOCAL IMPACT:

The Training Coordinator operates out of the County Prosecutors program. This program has supplied special counsel to counties for several years, charging \$30 per hour for the service. It is anticipated this service will continue at status quo for the coming biennium causing no additional impact to local governments.

FISCAL NOTE2:U/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-11-83

Approved by Committee
on Judiciary

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THIRD READING

AB 10

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