

HOUSE BILL NO. 13

Introduced: 01/03/83

Referred to Committee on Judiciary: 01/03/83

Hearing: 1/6/83

Report: 1/6/83, Do Pass

2nd Reading: 01/08/83, Do Pass

3rd Reading: 01/11/83, Do Pass

Transmitted to Senate: 01/12/83

Referred to Committee on Judiciary: 01/12/83

Hearing: 1/20/83

Report: 01/20/83, Be Not Concurred In
Bill Killed

1 HOUSE BILL NO. 13
2 INTRODUCED BY CURTISS
3 BY REQUEST OF THE JOINT SUBCOMMITTEE ON JUDICIARY
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE TRAINING
6 COORDINATOR FOR COUNTY ATTORNEYS TO PREPARE AND DISTRIBUTE A
7 CHECKLIST OF LEGAL ERRORS OR OBJECTIONS."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Checklist of errors or objections. (1) The
11 training coordinator shall prepare a checklist of errors or
12 objections, including their legal bases, which could be
13 raised in defense to any charge within the jurisdiction of
14 the district court for which the defendant may be sentenced
15 to death. The checklist must be updated by the coordinator
16 on a regular basis.
17 (2) The checklist and its supplements or replacements
18 must be distributed by the coordinator to all district
19 courts and county attorneys and all lawyers regularly
20 appearing on behalf of criminal defendants.
21 (3) The failure of any person or court to prepare,
22 distribute, or use the checklist is not a basis for legal
23 error.
24 Section 2. Codification instruction. Section 1 is
25 intended to be codified as an integral part of Title 44,

1 chapter 4, part 1, and the provisions of Title 44, chapter
2 4, part 1, apply to section 1.

-End-

STATE OF MONTANA

REQUEST NO. 024-83

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 13 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 13 requires the Training Coordinator for County Attorneys to prepare and distribute a check list of legal errors or objections.

ASSUMPTIONS:

- 1) A half-time attorney (grade 14) will be needed to prepare and update the checklist.
- 2) The checklist will be about 30 pages long and require updating 10 pages three times a year.
- 3) The checklist will be distributed to 1000 locations.

FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>
Personal Services & Benefits	\$ 11,757	\$ 11,757
Operating Expenses		
Printing	1,000	1,000
Mailing	<u>1,300</u>	<u>450</u>
Total Cost	<u>\$14,057</u>	<u>\$13,207</u>

FISCAL NOTE2:X/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-11-83

Approved by Committee
on Judiciary

1 HOUSE BILL NO. 13
2 INTRODUCED BY CURTISS
3 BY REQUEST OF THE JOINT SUBCOMMITTEE ON JUDICIARY
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE TRAINING
6 COORDINATOR FOR COUNTY ATTORNEYS TO PREPARE AND DISTRIBUTE A
7 CHECKLIST OF LEGAL ERRORS OR OBJECTIONS."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Checklist of errors or objections. (1) The
11 training coordinator shall prepare a checklist of errors or
12 objections, including their legal bases, which could be
13 raised in defense to any charge within the jurisdiction of
14 the district court for which the defendant may be sentenced
15 to death. The checklist must be updated by the coordinator
16 on a regular basis.
17 (2) The checklist and its supplements or replacements
18 must be distributed by the coordinator to all district
19 courts and county attorneys and all lawyers regularly
20 appearing on behalf of criminal defendants.
21 (3) The failure of any person or court to prepare,
22 distribute, or use the checklist is not a basis for legal
23 error.
24 Section 2. Codification instruction. Section 1 is
25 intended to be codified as an integral part of Title 44,

1 chapter 4, part 1, and the provisions of Title 44, chapter
2 4, part 1, apply to section 1.

-End-

SECOND READING

1 HOUSE BILL NO. 13
2 INTRODUCED BY CURTISS
3 BY REQUEST OF THE JOINT SUBCOMMITTEE ON JUDICIARY
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE TRAINING
6 COORDINATOR FOR COUNTY ATTORNEYS TO PREPARE AND DISTRIBUTE A
7 CHECKLIST OF LEGAL ERRORS OR OBJECTIONS."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Checklist of errors or objections. (1) The
11 training coordinator shall prepare a checklist of errors or
12 objections, including their legal bases, which could be
13 raised in defense to any charge within the jurisdiction of
14 the district court for which the defendant may be sentenced
15 to death. The checklist must be updated by the coordinator
16 on a regular basis.
17 (2) The checklist and its supplements or replacements
18 must be distributed by the coordinator to all district
19 courts and county attorneys and all lawyers regularly
20 appearing on behalf of criminal defendants.
21 (3) The failure of any person or court to prepare,
22 distribute, or use the checklist is not a basis for legal
23 error.
24 Section 2. Codification instruction. Section 1 is
25 intended to be codified as an integral part of Title 44,

1 chapter 4, part 1, and the provisions of Title 44, chapter
2 4, part 1, apply to section 1.

-End-