

HOUSE BILL NO. 516

Introduced: 01/26/83

Referred to Committee on Judiciary
01/26/83

Hearing: 2/7/83

Report: 02/8/83, Do Not Pass, As Amended

Objection: 2/9/83

2nd Reading: 02/11/83, Do Not Pass, As Amended
Bill Killed

1 House BILL NO. 516
2 INTRODUCED BY Adm. Waldron J. Jensen
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR COUNTY
5 ATTORNEY REPORTS TO THE ATTORNEY GENERAL ON CASES INVOLVING
6 DECLINED PROSECUTIONS OR THE EXCLUSIONARY RULE; AND TO
7 PROVIDE FOR AN ATTORNEY GENERAL NEWSLETTER ON THE SUBJECT TO
8 BE SENT TO COUNTY AND CITY ATTORNEYS, SHERIFFS, AND POLICE
9 CHIEFS."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Exclusionary rule and declined prosecution
13 reports -- newsletter. (1) Each county attorney shall submit
14 quarterly to the attorney general a report on each criminal
15 case in which prosecution was declined or in which the
16 exclusionary rule was raised as a bar to the introduction of
17 testimony or other evidence. Each report must include:

18 (a) an outline of the facts of the case;

19 (b) arguments made prior to and at any criminal
20 proceeding as to why prosecution should be declined or
21 evidence should be excluded;

22 (c) the actions of law enforcement officers in the
23 case, especially in regard to the reason for declining
24 prosecution or for raising the exclusionary rule; and

25 (d) how law enforcement officers could have acted

1 differently to avoid or minimize any problems that led to
2 declining to prosecute or to the raising of the exclusionary
3 rule.

4 (2) The attorney general shall analyze the reports and
5 print and mail to each county attorney, city attorney,
6 sheriff, and chief municipal law enforcement officer a
7 quarterly newsletter citing and discussing representative
8 cases.

-End-

STATE OF MONTANA

REQUEST NO. 265-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 27, 19 83, there is hereby submitted a Fiscal Note for House Bill 516 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

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 516 provides for county attorney reports to the Attorney General on cases involving declined prosecutions or the exclusionary rule; and provides for an Attorney General Newsletter on the subject to be sent to county and city attorneys, sheriffs, and police chiefs.


ASSUMPTIONS:

- 1) The Attorney General Newsletter would be similar to the Montana Prosecutor newsletter.
- 2) Contracted services of a law intern would be used to compile and summarize cases involving declined prosecutions or the exclusionary rule.

FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>	<u>Total Biennium</u>
Expenditures:			
Contracted Services	\$1,500	\$1,500	\$ 3,000
Printing	500	500	1,000
Mailing	300	300	600
Total Expenditures For General Fund	<u>\$2,300</u>	<u>\$2,300</u>	<u>\$4,600</u>

FISCAL NOTE 9:R/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-1-83

Committee
on Judiciary

Recommend do not pass
Objection Raised to
Adverse Committee Report

HOUSE BILL NO. 516

INTRODUCED BY ADDY, WALDRON, J. JENSEN

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR COUNTY ATTORNEY REPORTS TO THE ATTORNEY GENERAL ON CASES INVOLVING ~~DECLINED-PROSECUTIONS SEARCH AND SEIZURE~~ OR THE EXCLUSIONARY RULE; AND TO PROVIDE FOR AN ATTORNEY GENERAL NEWSLETTER ON THE SUBJECT TO BE SENT TO COUNTY AND CITY ATTORNEYS, SHERIFFS, AND POLICE CHIEFS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Exclusionary rule and declined prosecution reports -- newsletter. (1) Each county attorney shall submit quarterly to the attorney general a report on each criminal case in which prosecution was declined ~~DUE TO THE APPLICABILITY OF THE EXCLUSIONARY RULE IN SEARCH AND SEIZURE~~ CASES or in which the exclusionary rule was SUCCESSFULLY raised as a bar to the introduction of testimony or other evidence ~~IN SEARCH AND SEIZURE CASES~~. Each report must include:

(a) an outline of the facts of the case;

(b) arguments made prior to and at any criminal proceeding as to why prosecution should be declined or evidence should be excluded;

(c) the actions of law enforcement officers in the

case, especially in regard to the reason for declining prosecution or for SUCCESSFULLY raising the exclusionary rule; and

(d) how law enforcement officers could have acted differently to avoid or minimize any problems that led to declining to prosecute or to the SUCCESSFUL raising of the exclusionary rule.

(2) The attorney general shall analyze the reports and print and mail to each county attorney, city attorney, sheriff, and chief municipal law enforcement officer a quarterly newsletter citing and discussing representative cases.

-End-