

SENATE BILL NO. 83

Introduced: 01/07/83

Referred to Committee on Judiciary: 01/07/83

Hearing: 1/17/83

Report: 1/17/83, Do Not Pass. Report Adopted.

Bill Killed.

1 Senate BILL NO. 83
2 INTRODUCED BY Turney
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO BAR COMMENCEMENT OF
5 A PROSECUTION IN A DISTRICT COURT BY LEAVE TO FILE AN
6 INFORMATION IN THAT COURT IF THE DEFENDANT HAS BEEN CHARGED
7 BY COMPLAINT IN A JUSTICE'S COURT AND HAS NOT WAIVED
8 PRELIMINARY EXAMINATION; AMENDING SECTION 46-11-201, MCA."
9

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

11 Section 1. Section 46-11-201, MCA, is amended to read:

12 "46-11-201. Leave to file information. (1) The county
13 attorney may apply directly to the district court for
14 permission to file an information against a named defendant.
15 The application must be by affidavit supported by such
16 evidence as the judge may require. ~~if Except as provided in~~
17 ~~subsection (2), if it appears that there is probable cause~~
18 ~~to believe that an offense has been committed by the~~
19 ~~defendant, the judge shall grant leave to file the~~
20 ~~information, otherwise the application shall be denied.~~

21 ~~(2) The judge may not grant such leave if a complaint~~
22 ~~has been filed in justice's court and the defendant has not~~
23 ~~waived preliminary examination.~~

24 ~~(2)(3)~~ When there has been granted leave to file an
25 information against the defendant, a warrant may issue for

1 his arrest and he must be brought before the court unless
2 the court orders otherwise."

-End-