

HOUSE BILL NO. 481

1/25 Introduced  
1/25 Referred to Judiciary  
2/15 Hearing  
2/16 Committee Report-Bill Do Pass  
2/18 2nd Reading Pass  
2/19 3rd Reading Pass

Transmitted to Senate

2/21 Referred to Judiciary  
3/20 Hearing  
3/20 Adverse Committee Report  
3/20 Bill Killed

1    HOUSE BILL NO. 481  
 2 INTRODUCED BY Brendan Mercer KRUEGER Lebb  
 3 O'Hara Hampton Bradley HARP  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING AN ATTORNEY  
 5 FROM MAKING ANY REFERENCE BEFORE A JURY TO THE SENTENCE THAT  
 6 MAY BE IMPOSED; ELIMINATING THE PROVISION THAT A JUROR IN A  
 7 CRIMINAL TRIAL MAY BE CHALLENGED FOR CAUSE ON THE GROUND  
 8 THAT HE BELIEVES THE PUNISHMENT PROVIDED FOR THE OFFENSE  
 9 CHARGED IS TOO SEVERE; AMENDING SECTION 46-16-304, MCA."

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

12            NEW SECTION. Section 1. Reference to sentence  
 13 prohibited. No attorney may refer in the presence of a jury  
 14 at any time during the course of a trial, including the  
 15 examination of prospective jurors and final argument, to the  
 16 sentence that may be imposed.

17            Section 2. Section 46-16-304, MCA, is amended to read:

18            "46-16-304. Challenges for cause. (1) Each party may  
 19 challenge jurors for cause, and each challenge must be tried  
 20 by the court.

21            (2) A challenge for cause may be taken for all or any  
 22 of the following reasons or for any other reason which the  
 23 court determines:

24            (a) consanguinity or relationship to the defendant or  
 25 to the person who is alleged to be injured by the offense

1 charged or on whose complaint the prosecution was  
 2 instituted;

3            (b) standing in the relation of guardian and ward,  
 4 attorney and client, master and servant, landlord and  
 5 tenant, or debtor and creditor with or being a member of the  
 6 family or in the employment of the defendant or the person  
 7 who is alleged to be injured by the offense charged or on  
 8 whose complaint the prosecution was instituted;

9            (c) being a party adverse to the defendant in a civil  
 10 action or having complained against or been accused by him  
 11 in a criminal prosecution;

12            (d) having served on the grand jury which found the  
 13 indictment or on a coroner's jury which inquired into the  
 14 death of a person whose death is the subject of the  
 15 indictment or information;

16            (e) having served on a trial jury which tried another  
 17 person for the offense charged;

18            (f) having been a member of a jury formerly sworn to  
 19 try the same charge, the verdict of which was set aside or  
 20 which was discharged without verdict after the case was  
 21 submitted to it;

22            (g) having served as a juror in a civil action brought  
 23 against the defendant for the act charged as an offense;

24            (h) if the offense charged is punishable with death,  
 25 having such conscientious opinions as would preclude his

1 finding the defendant guilty, in which case he must neither  
2 be permitted nor compelled to serve as a juror;

3 ~~{i}--having-a-belief-that-the-punishment-fixed--by--law~~  
4 ~~is-too-severe-for-the-offense-charged;~~

5 {j}{i} having a state of mind in reference to the case  
6 or to either of the parties which would prevent him from  
7 acting with entire impartiality and without prejudice to the  
8 substantial rights of either party.

9 (3) An excuse from service on a jury is not a cause of  
10 challenge but the privilege of the person excused."

11 NEW SECTION. Section 3. Codification instruction.  
12 Section 1 is intended to be codified as an integral part of  
13 Title 46, and the provisions of Title 46 apply to section 1.

-End-

APPROVED BY COMMITTEE ON JUDICIARY

1 HOUSE BILL NO. 481  
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3 O'Hara Hampton Bradley HARP

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 3 O'Neil Hampton Bradley HARP

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