HOUSE BILL NO. 235

INTRODUCED BY ADDY

IN THE HOUSE

- JANUARY 16, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
- FEBRUARY 2, 1987 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
- FEBRUARY 3, 1987 PRINTING REPORT.
- FEBRUARY 4, 1987 SECOND READING, DO PASS.
- FEBRUARY 5, 1987 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 97; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 10, 1987

INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.

- MARCH 6, 1987 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
- MARCH 10, 1987 SECOND READING, CONCURRED IN.
- MARCH 12, 1987 THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 13, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

LC 1005/01

Montona Legislative Council

INTRODUCED BY L 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO PENALIZING 4 5 FOR CONTEMPT A PERSON WHO DISOBEYS A SUBPOENA AFTER BEING GRANTED IMMUNITY FROM PROSECUTION; AND AMENDING SECTION 6 7 46-4-302, MCA." 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 10 Section 1. Section 46-4-302, MCA, is amended to read: "46-4-302. Penalty for failure to obey. (1) A person 11 12 who, without just cause, fails to obey a subpoena served on 13 him pursuant-to under this part is punishable for contempt 14 of court. 15 (2) (a) A person who, after being granted immunity 16 under 46-4-305, refuses to give testimony or produce 17 evidence under this part must be brought without unnecessary 18 delay before the judge issuing the subpoena, or in that 19 judge's absence or inability to act, before the nearest or 20 most accessible judge, who shall inform the person: 21 (i) of the contents and requirements of the subpoena; 22 (ii) that he has been granted immunity and may not be 2.3 excused from testifying or producing evidence on the grounds 24that his testimony may incriminate him; and 35 (iii) that a refusal to testify or produce evidence as

1 commanded in the subpoena is punishable as a contempt of 2 court under Title 3, chapter 1, part 5. 3 (b) In the presence of the judge, the person must be 4 examined by the county attorney or produce evidence as 5 commanded in the subpoena. 6 (c) A refusal to testify or produce evidence may be 7 punished as a contempt under Title 3, chapter 1, part 5."

-End-

-2- INTRODUCED BILL HB-235

LC 1005/01

LC 1005/01

APPROVED BY COMMITTEE ON JUDICIARY

Montana Legislative Council

1	A Contract BILL NO. 235
2	INTRODUCED BY
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO PENALIZING
5	FOR CONTEMPT A PERSON WHO DISOBEYS A SUBPOENA AFTER BEING
6	GRANTED IMMUNITY FROM PROSECUTION; AND AMENDING SECTION
.7	46-4-302, MCA."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 46-4-302, MCA, is amended to read:
11	"46-4-302. Penalty for failure to obey. (1) A person
12	who, without just cause, fails to obey a subpoena served on
13	him pursuant-to under this part is punishable for contempt
14	of court.
15	(2) (a) A person who, after being granted immunity
16	under 46-4-305, refuses to give testimony or produce
17	evidence under this part must be brought without unnecessary
18	delay before the judge issuing the subpoena, or in that
19	judge's absence or inability to act, before the nearest or
20	most accessible judge, who shall inform the person:
21	of the contents and requirements of the subpoena;
22	(ii) that he has been granted immunity and may not be
2 3	excused from testifying or producing evidence on the grounds
24	that his testimony may incriminate him; and
25	(iii) that a refusal to testify or produce evidence as

commanded in the subpoena is punishable as a contempt of
court under Title 3, chapter 1, part 5.

3 (b) In the presence of the judge, the person must be

4 examined by the county attorney or produce evidence as

5 commanded in the subpoena.

6 (c) A refusal to testify or produce evidence may be

7 punished as a contempt under Title 3, chapter 1, part 5."

-End-

-2- SECOND READING HB-235

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	1	commanded in the subpoena is punishable as a contempt of
	2	court under Title 3, chapter 1, part 5.
	3	(b) In the presence of the judge, the person must be
	4	examined by the county attorney or produce evidence as
	5	commanded in the subpoena.
	6	(c) A refusal to testify or produce evidence may be
	7	punished as a contempt under Title 3, chapter 1, part 5."

-End-

-2- THIRD READING HB-235

HB 0235/02

Linontana Legislative Council

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1	HOUSE BILL NO. 235
2	INTRODUCED BY ADDY
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4	A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO PENALIZING
5	FOR CONTEMPT A PERSON WHO DISOBEYS A SUBPOENA AFTER BEING
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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20	most accessible judge, who shall inform the person:
21	(i) of the contents and requirements of the subpoena;
22	(ii) that he has been granted immunity and may not be
23	excused from testifying or producing evidence on the grounds
24	that his testimony may incriminate him; and
25	(iii) that a refusal to testify or produce evidence as

HB 0235/02

1	commanded in the subpoena is punishable as a contempt of
2	court under Title 3, chapter 1, part 5.
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4	examined by the county attorney or produce evidence as
5	commanded in the subpoena.
6	(c) A refusal to testify or produce evidence may be

7 punished as a contempt under Title 3, chapter 1, part 5."

-End-