

HOUSE BILL NO. 544

INTRODUCED BY RICE

IN THE HOUSE

FEBRUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 17, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 90; NOES, 7.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 20, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 21, 1989	SECOND READING, CONCURRED IN.
MARCH 23, 1989	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1989	RECEIVED FROM SENATE.
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APRIL 1, 1989

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXPAND THE SCOPE OF
5 APPEAL BY THE STATE BY ALLOWING FOR APPEAL FROM JUDGMENTS
6 THAT ARE ALLEGED TO BE CONTRARY TO LAW; AMENDING SECTION
7 46-20-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE
8 AND AN APPLICABILITY DATE."
9

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

11 **Section 1.** Section 46-20-103, MCA, is amended to read:

12 "46-20-103. Scope of appeal by state. (1) Except as
13 otherwise specifically authorized, the state may not appeal
14 in a criminal case.

15 (2) The state may appeal from any court order or
16 judgment the substantive effect of which results in:

- 17 (a) dismissing a case;
18 (b) modifying or changing the verdict as provided in
19 46-16-702(3)(c);
20 (c) granting a new trial;
21 (d) quashing an arrest or search warrant;
22 (e) suppressing evidence;
23 (f) suppressing a confession or admission; or
24 (g) granting or denying change of venue; or
25 (h) imposing a sentence that is alleged to be contrary

1 to law."

2 NEW SECTION. **Section 2.** Effective date. [This act] is
3 effective on passage and approval.

4 NEW SECTION. **Section 3.** Applicability. [This act]
5 applies to all sentencing proceedings begun after [the
6 effective date of this act].

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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SENATE STANDING COMMITTEE REPORT

March 18, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 544 (third reading copy -- blue), respectfully report that HB 544 be amended and as so amended be concurred in:

Sponsor: Rice (Halligan)

1. Title, line 6.
Strike: "ALLEGED TO BE"
2. Page 1, line 25.
Strike: "alleged to be"

AND AS AMENDED BE CONCURRED IN

Signed: 

Bruce D. Crippen, Chairman

SENATE
HB 544

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APPEAL BY THE STATE BY ALLOWING FOR APPEAL FROM JUDGMENTS
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