

HOUSE BILL NO. 782

INTRODUCED BY QUILICI, NISBET, SWYSGOOD
BY REQUEST OF THE APPROPRIATIONS COMMITTEE

IN THE HOUSE

MARCH 16, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
MARCH 17, 1989	FIRST READING.
MARCH 23, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. PRINTING REPORT.
	ON MOTION, RULES SUSPENDED TO ALLOW BILL PLACED ON SECOND AND THIRD READING THIS DAY.
	SECOND READING, DO PASS.
	THIRD READING, PASSED. AYES, 91; NOES, 3.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 31, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON RULES.
	FIRST READING.
APRIL 6, 1989	ON MOTION, REREFERRED TO COMMITTEE ON FINANCE & CLAIMS.
APRIL 7, 1989	ON MOTION, REREFERRED TO COMMITTEE ON JUDICIARY.
APRIL 11, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 12, 1989	SECOND READING, CONCURRED IN.
APRIL 13, 1989	THIRD READING, CONCURRED IN.

AYES, 48; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 14, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *782*
 2 INTRODUCED BY *Julian Nisbet Swygood*
 3 BY REQUEST OF THE APPROPRIATIONS COMMITTEE
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 6 FORENSICS FUNCTIONS OF THE DEPARTMENT OF JUSTICE;
 7 ESTABLISHING A DIVISION OF FORENSIC SCIENCES; CLARIFYING THE
 8 AUTHORITY OF THE ATTORNEY GENERAL CONCERNING FORENSICS
 9 PERSONNEL; AMENDING SECTIONS 44-3-102, 44-3-104, 44-3-106,
 10 44-3-201, 44-3-211, 44-3-301, AND 44-3-303, MCA; REPEALING
 11 SECTIONS 44-3-202, 44-3-212, AND 44-3-304, MCA; AND
 12 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 **Section 1.** Section 44-3-102, MCA, is amended to read:

16 "44-3-102. Purpose. The purposes purpose of this
 17 chapter are is to authorize the attorney general to provide
 18 the personnel, facilities, and procedures to:

19 (1) determine the cause of certain types of deaths by
 20 such investigation and examination as are in the public
 21 interest;

22 (2) to analyze specimens for law enforcement officers;
 23 and

24 (3) to provide reports, including oral testimony,
 25 concerning such investigation, examination, and analysis

1 when in the public interest."

2 **Section 2.** Section 44-3-104, MCA, is amended to read:

3 "44-3-104. Functions of department. The forensics
 4 functions of the department of justice include operation of
 5 a division of forensic sciences:

6 (1) ~~a laboratory of criminalistics;~~ and

7 (2) ~~an office of forensic pathology."~~

8 **Section 3.** Section 44-3-106, MCA, is amended to read:

9 "44-3-106. Power of attorney general to employ
 10 personnel. The attorney general is authorized to employ such
 11 personnel ~~as--may--be~~ necessary to perform the functions of
 12 authorized under this chapter."

13 **Section 4.** Section 44-3-201, MCA, is amended to read:

14 "44-3-201. State medical examiner. A state medical
 15 examiner must be appointed by the attorney general to
 16 ~~administer--department--functions--assigned-by-44-3-104.~~ The
 17 state medical examiner ~~may perform such other duties as--may~~
 18 ~~be--assigned--by--the--attorney--general;--The state medical~~
 19 ~~examiner--must--be--a--forensic--pathologist--qualified--and~~
 20 ~~certified--by--the--American--board--of--pathology~~ must be a
 21 physician licensed to practice medicine in Montana."

22 **Section 5.** Section 44-3-211, MCA, is amended to read:

23 "44-3-211. Duties of state medical examiner --
 24 ~~general.~~ The duties of the state medical examiner include
 25 but are not limited to the following:

(1) providing assistance and consultation to associate medical examiners, coroners, and law enforcement officers;

(2) providing court testimony when necessary to accomplish the purposes of this chapter;

(3) stimulating and directing research in the field of forensic pathology; and

(4) maintaining an ongoing educational and training program for associate medical examiners, coroners, and law enforcement officers;

(5) appointing associate medical examiners, who serve at his pleasure; and

(6) performing autopsies as requested."

Section 6. Section 44-3-301, MCA, is amended to read:

"44-3-301. Purpose---and---functions---of---laboratory Laboratory of criminalistics. (1) There is a laboratory of criminalistics within the department of justice. The laboratory's purpose is to perform analysis of specimens submitted by all Montana state, county, or city law enforcement officers and all state agencies and referral specimens from other states if accepted by the laboratory director.

(2) The laboratory's functions include analysis of toxicologic and criminalistic specimens which the laboratory director considers within the performance capability of the laboratory."

Section 7. Section 44-3-303, MCA, is amended to read:

"44-3-303. Duties of laboratory director. There is a director of the laboratory of criminalistics. The laboratory director shall:

(1) ~~be responsible to the state medical examiner~~ for supervision and direction of the laboratory;

(2) ~~appoint~~ assist the department in the appointment of laboratory personnel;

(3) render decisions as to the disposition of specimens; and

(4) perform all other duties required by the rules of the department."

NEW SECTION. Section 8. Repealer. Sections 44-3-202, 44-3-212, and 44-3-304, MCA, are repealed.

NEW SECTION. Section 9. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. Section 10. Effective date. [This act] is effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 782

INTRODUCED BY QUILICI, NISBET, SWYSGOOD
BY REQUEST OF THE APPROPRIATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
FORENSICS FUNCTIONS OF THE DEPARTMENT OF JUSTICE;
ESTABLISHING A DIVISION OF FORENSIC SCIENCES; CLARIFYING THE
AUTHORITY OF THE ATTORNEY GENERAL CONCERNING FORENSICS
PERSONNEL; AMENDING SECTIONS 44-3-102, 44-3-104, 44-3-106,
44-3-201, 44-3-211, 44-3-301, AND 44-3-303, MCA; REPEALING
SECTIONS 44-3-202, 44-3-212, AND 44-3-304, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 44-3-102, MCA, is amended to read:

"44-3-102. Purpose. The purposes purpose of this
chapter are is to authorize the attorney general to provide
the personnel, facilities, and procedures to:

(1) determine the cause of certain types of deaths by
such investigation and examination as are in the public
interest;

(2) to analyze specimens for law enforcement officers;
and

(3) to provide reports, including oral testimony,
concerning such investigation, examination, and analysis

when in the public interest."

Section 2. Section 44-3-104, MCA, is amended to read:

"44-3-104. Functions of department. The forensics
functions of the department of justice include operation of
a division of forensic sciences:

~~{1}--a-laboratory-of-criminalistics;--and~~

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Section 3. Section 44-3-106, MCA, is amended to read:

"44-3-106. Power of attorney general to employ
personnel. The attorney general is authorized to employ ~~such~~
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authorized under this chapter."

Section 4. Section 44-3-201, MCA, is amended to read:

"44-3-201. State medical examiner. A state medical
examiner must be appointed by the attorney general to
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state medical examiner ~~may-perform-such-other-duties-as--may~~
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~~examiner--must--be--a--forensic--pathologist--qualified--and~~
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physician licensed to practice medicine in Montana."

Section 5. Section 44-3-211, MCA, is amended to read:

"44-3-211. Duties of state medical examiner --
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but are not limited to the following:

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- (2) providing court testimony when necessary to accomplish the purposes of this chapter;
- (3) stimulating and directing research in the field of forensic pathology; and
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Section 7. Section 44-3-303, MCA, is amended to read:

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- 6 forensic pathology; and
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- 8 program for associate medical examiners, coroners, and law
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13 **Section 6.** Section 44-3-301, MCA, is amended to read:

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