

1 SENATE BILL NO. 10
2 INTRODUCED BY GAGE

4 A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING THE STATE THE RIGHT TO A JURY TRIAL IN ALL
5 FELONY AND MISDEMEANOR CASES IN ALL COURTS; AND AMENDING SECTIONS 46-16-110 AND
6 46-17-201, MCA."

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

10 **Section 1.** Section 46-16-110, MCA, is amended to read:

"46-16-110. Right to jury trial -- waiver. (1) Defendants The parties in all a felony cases shall case have a right to trial by a jury of 12 persons.

13 (2) The parties may agree in writing at any time before the verdict, with the approval of the court,
14 that the jury shall consist of any number less than that to which they are entitled.

15 (3) Upon written consent of the defendant parties, a trial by jury may be waived."

17 **Section 2.** Section 46-17-201, MCA, is amended to read:

18 "46-17-201. Juries in misdemeanor cases. (1) The defendant parties in a misdemeanor case ~~is~~ are
19 entitled to a jury of six qualified persons, but ~~the~~ parties may agree to a number less than six at any time
20 before the verdict.

21 (2) Upon consent of the defendant parties, a trial by jury may be waived."

-END-



STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0010, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act granting the state the right to a jury trial in all felony and misdemeanor cases in all courts.

FISCAL IMPACT:

Passage of SB10 will have no fiscal impact on state government.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Some fiscal impact, though perceived minimal and estimated to average one jury trial per year, will be experienced by local governments due to jury costs.

Dave Lewis 1-4-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Dale 1/5/95
DELWYN GAGE, PRIMARY SPONSOR DATE

Fiscal Note for SB0010, as introduced

SB 10

APPROVED BY COMMITTEE
ON JUDICIARY

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