1   · SENATE BILL NO. 59

2   INTRODUCED BY Cupper

3

4   A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A SUBPOENA REMAINS IN EFFECT UNLESS

5   QUASHED OR UNTIL FINAL DETERMINATION OF THE ACTION; AND AMENDING SECTION 46-15-101,

6   MCA."

7

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

9

10   NEW SECTION. Section 1. Time during which subpoena is effective. A subpoena remains in effect

11   unless quashed or until judgment, dismissal, or other final determination of the action by the court in which

12   the action was filed or to which the action was transferred.

13

14   Section 2. Section 46-15-101, MCA, is amended to read:

15   "46-15-101. Subpoenas. (1) After the filing of charges and upon the request of the prosecuting

16   attorney, the defendant, or the defendant's attorney, the clerk of the court shall issue subpoenas with the

17   name of the person to whom each subpoena is directed, commanding the person to appear and to give

18   testimony. The court shall maintain a list of the names of the persons to whom subpoenas are issued.

19   (2) A subpoena must state the name of the court and the title, if any, of the proceeding and must

20   command each person to whom it is directed to attend and give testimony at the time and place specified

21   in the subpoena.

22   (3) The court, upon a timely motion, may quash or modify a subpoena if compliance would be

23   unreasonable or oppressive.

24   (4) A subpoena remains in effect unless quashed or until judgment, dismissal, or other final

25   determination of the action by the court in which the action was filed or to which the action was

26   transferred."

27

28   NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an

29   integral part of Title 26, chapter 2, part 1, and the provisions of Title 26, chapter 2, part 1, apply to

30   [section 1].

-END-

SB 59
INTRODUCED BILL

Montana Legislative Council

1   ◯ · SENATE BILL NO. 59

2   INTRODUCED BY

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-END-

SB 59
SECOND READING

Montana Legislative Council

1   ⟍ · SENATE BILL NO. 59

2   INTRODUCED BY ⟍

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30   [section 1].

-END-

SB 59

THIRD READING

Montana Legislative Council

HOUSE STANDING COMMITTEE REPORT

March 1, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Judiciary** report that **Senate Bill 59** (third reading copy -- blue) **be concurred in as amended**.

Signed: *Bob Clark*

Bob Clark, Chair

Carried by: Rep. Kottel

And, that such amendments read:

1. Page 1, line 21.
Following: "subpoena."
Insert: "The time and place may be modified by mutual written
        agreement of the parties or by an amended subpoena issued by
        the clerk of the court."

-END-

SB 59

Committee Vote:
Yes *16*, No *0*.

HOUSE

481349SC.Hbk

1   SENATE BILL NO. 59

2   INTRODUCED BY CRIPPEN

3

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19   (2) A subpoena must state the name of the court and the title, if any, of the proceeding and must

20   command each person to whom it is directed to attend and give testimony at the time and place specified

21   in the subpoena. THE TIME AND PLACE MAY BE MODIFIED BY MUTUAL WRITTEN AGREEMENT OF THE

22   PARTIES OR BY AN AMENDED SUBPOENA ISSUED BY THE CLERK OF THE COURT.

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Montana Legislative Council

1   [section 1].

2   -END-