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1	HOUSE BILL NO. 137
2	INTRODUCED BY SMITH, BECK
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING FROM MANDATORY TO DISCRETIONARY AN
5	INQUEST FOR A CONVICTED PRISONER WHOSE DEATH IS CAUSED BY A TERMINAL ILLNESS OR THE
6	DEATH SENTENCE; AND AMENDING SECTION 46-4-201, MCA."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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10	Section 1. Section 46-4-201, MCA, is amended to read:
11	"46-4-201. Inquest definition-, when held-, how conducted. (1) An inquest is a formal inquiry
12	into the causes of and circumstances surrounding the death of any a person and is conducted by the
13	coroner before a coroner's jury.
14	(2) The coroner shall <u>may</u> hold an inquest only if requested to do so by the county attorney of the
15	county in which death occurred or by the county attorney of the county in which the acts or events causing
16	death occurred. However, the county attorney shall order the coroner to hold an inquest if the death of any
17	a person occurs:
18	(a) in a prison, jail, or other penal correctional institution and is not caused by the terminal illness
19	of, or the execution of a death penalty upon, the person while the person is incarcerated in the prison, jail,
20	or other correctional institution because of conviction of a criminal offenser; or
21	(b) while a person is being taken into custody or is in the custody of a peace officer, or if the death
22	is caused by a peace officer, except where <u>when</u> criminal charges have been or will be filed , the county
23	atterney shall order the coroner to hold an inquest.
24	(3) If an inquest is held, the proceedings are public. The coroner shall conduct the inquest with the
25	aid and assistance of the county attorney. The coroner shall, and the county attorney may, examine each
26	witness, after which the witness may be examined by the jurors. The inquest is to <u>must</u> be held in
27	accordance with this part.
28	(4) (a) A coroner who also serves as a peace officer may not conduct an inquest into the death of
29	a person who:
30	(i) died in a jail or penal institution;



1 (ii) died while in the custody of a peace officer; or

2 (iii) was killed by a peace officer.

3 (b) If a coroner is disqualified under subsection (4)(a), the county attorney shall request a qualified

4 coroner of a neighboring county to conduct the inquest. The expenses of a coroner fulfilling the request,

5 including salary, must be paid by the requesting county."

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STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0137, as revised

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act changing from mandatory to discretionary an inquest for a convicted prisoner whose death is caused by a terminal illness or the death sentence.

ASSUMPTIONS:

- 1. In fiscal year 1995, there were 9 deaths in institutional populations due to natural causes or terminal illness, 1 death due to execution, and 1 homicide.
- 2. The Department of Corrections (DOC) assumes there will be 9 deaths due to terminal illness in fiscal years 1998 and 1999. For these cases the coroner will not order an inquest.
- 3. Autopsies on deceased inmates are ordered by the county attorney, county coroner, or the attorney general, but are not mandatory.
- Of the 9 deaths, assume only one autopsy will be performed at a cost of \$650 per autopsy.
- 5. Transportation cost of the deceased to the State Medical Examiner in Missoula is \$122.50.
- Assume witnesses from the public (such as a doctor from Powell County clinic) are paid \$10 per inquest.
- 7. The county attorney in Powell County is paid \$190 per inquest through a contract with DOC.
- 8. Overtime for two staff from Montana State Prison (MSP) to testify at 4 of the 9 inquests at a cost of \$172.50 per inquest would be affected.
- 9. Cost for a court reporter to transcribe proceedings is \$55 per inquest.
- 10. Currently, in Powell County, MSP pays \$150 for each coroner's inquest jury.

FISCAL IMPACT:

	FY98	FY99
	Difference	Difference
<u>Expenditures:</u> Inquest savings	(10,475)	(10,475)
<u>Net Impact on Fund Balance:</u> General Fund (01)Savings	10,475	10,475

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: Reduced workload for county staff.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: Continued annual savings to DOC as long as this bill allows for discretionary inquests.

DAVE LEWIS, BUDGET DIRECTOR DATE Office of Budget and Program Planning

RIMARY SPONSOR

Fiscal Note for HB0137, as revised



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21	APPLIES TO A DEATH CAUSED BY TERMINAL ILLNESS ONLY IF THE PERSON WAS UNDER MEDICAL
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24	is caused by a peace officer, except where when criminal charges have been or will be filed, the county
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HB 137

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	Legislative Services -1- HB 137 Division

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55th Legislature

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