

1 SENATE BILL NO. 222

2 INTRODUCED BY J. O'NEIL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA
5 AN AMENDMENT TO ARTICLE II, SECTION 24, OF THE MONTANA CONSTITUTION TO PROVIDE THAT
6 A PERSON TRIED FOR A CRIME HAS THE RIGHT TO ARGUE TO THE JURY THE APPLICABILITY, INTENT,
7 AND MERIT OF THE OFFENSE CHARGED AND THE APPROPRIATENESS OF ANY POTENTIAL
8 SENTENCE."

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

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12 **Section 1.** Article II, section 24, of The Constitution of the State of Montana is amended to read:

13 **"Section 24. Rights of the accused.** In all criminal prosecutions the accused shall have the right
14 to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to
15 meet the witnesses against him face to face; to have process to compel the attendance of witnesses in
16 his behalf; and to a speedy public trial by an impartial jury of the county or district in which the offense
17 is alleged to have been committed, before which the accused may argue the applicability, intent, and merit
18 of the offense charged and the appropriateness of any potential sentence, subject to the right of the state
19 to have a change of venue for any of the causes for which the defendant may obtain the same."

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21 NEW SECTION. **Section 2. Submission to electorate.** This amendment shall be submitted to the
22 qualified electors of Montana at the general election to be held in November 2002 by printing on the ballot
23 the full title of this act and the following:

24 [] FOR allowing an accused to argue the applicability, intent, and merit of the offense
25 charged and the appropriateness of any potential sentence.

26 [] AGAINST allowing an accused to argue the applicability, intent, and merit of the offense
27 charged and the appropriateness of any potential sentence.

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