

## HOUSE BILL NO. 14

INTRODUCED BY SHOCKLEY

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II, SECTION 24, OF THE MONTANA CONSTITUTION AND TO ARTICLE II, SECTION 26, OF THE MONTANA CONSTITUTION TO PROVIDE THAT IN A MISDEMEANOR CRIMINAL ACTION FILED IN A COURT OTHER THAN THE DISTRICT COURT, THE DEFENDANT IS ENTITLED TO A JURY TRIAL IN ONLY ONE COURT AND MAY ELECT A JURY TRIAL IN THE COURT IN WHICH THE ACTION IS FILED OR RESERVE JURY TRIAL FOR THE DISTRICT COURT IN THE EVENT OF AN APPEAL; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

**"Section 24. Rights of the accused.** In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, subject to the right of the state to have a change of venue for any of the causes for which the defendant may obtain the same. However, in a misdemeanor action filed in a court other than the district court, if the defendant is entitled to a new trial upon appeal to the district court, the defendant is entitled to a jury trial in only one court and may elect a jury trial in the court in which the action is filed or reserve jury trial for the district court in the event of an appeal."

**Section 2.** Article II, section 26, of The Constitution of the State of Montana is amended to read:

**"Section 26. Trial by jury.** The right of trial by jury is secured to all and shall remain inviolate, except that in a misdemeanor action filed in a court other than the district court, if the defendant is entitled to a new trial upon appeal to the district court, the defendant is entitled to a jury trial in only one court and may elect a jury trial in the court in which the action is filed or reserve jury trial for the district court in the event of an appeal. But upon default of appearance or by consent of the parties expressed in such manner as the law may provide, all cases

1 may be tried without a jury or before fewer than the number of jurors provided by law. In all civil actions,  
2 two-thirds of the jury may render a verdict, and a verdict so rendered shall have the same force and effect as  
3 if all had concurred therein. In all criminal actions tried by a jury, the verdict shall be unanimous."

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5 **NEW SECTION. Section 3. Effective date.** This amendment is effective upon approval by the  
6 electorate.

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8 **NEW SECTION. Section 4. Submission to electorate.** These amendments shall be submitted to the  
9 qualified electors of Montana at the general election to be held in November 2004 by printing on the ballot the  
10 full title of this act and the following:

11 [] FOR allowing ~~a jury trial in a misdemeanor criminal case only in the court below the district court~~  
12 ~~or in the district court~~ ONLY ONE JURY TRIAL IN A MISDEMEANOR CASE.

13 [] AGAINST allowing ~~a jury trial in a misdemeanor criminal case only in the court below the district~~  
14 ~~court or in the district court~~ ONLY ONE JURY TRIAL IN A MISDEMEANOR CASE.

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