EXHIBIT 1
DATE 1-11-05
HB HB 103

DEPARTMENT OF JUSTICE
HB 103: Requiring City Attorneys to Notify Attorney General of Criminal Appeals

Background

Montana law now requires county attorneys and all other state departments to provide the Attorney General notice of any criminal appeals or constitutional challenges.

The Department of Justice Appellate Bureau is responsible for handling all criminal appeals on behalf of county attorneys. This helps create a unified body of appellate law on criminal issues. Because it handles all criminal appeals from county attorneys across the state, the staff of the Appellate Bureau is aware of developing criminal law issue statewide and the status of any issues on appeal. Thus, the Appellate Bureau can quickly and consistently respond to appellate issues.

However, city attorneys are not required to notify the Attorney General of criminal appeals.

Proposed Change

HB 103 simply requires city attorneys to notify the Attorney General of any criminal appeal from city court. This will allow the Appellate Bureau to stay abreast of any developing criminal law issues. Further, it will allow the Bureau to provide any assistance that city attorneys may need in drafting appeals.

The Attorney General discussed this legislation with city attorneys at their annual meetings and they expressed no objections.

2005 Legislature
January 11, 2005