

Senate Local Govt. Comm.

Exhibit No. 1

Date FEB 1, 2005

Bill No. SB157

A JOINT RESOLUTION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE STATE OF MONTANA REQUESTING THAT THE LEGISLATIVE COUNCIL DESIGNATE AN APPROPRIATE INTERIM COMMITTEE OR DIRECT STAFF RESOURCES TO STUDY THE DELIVERY OF PROSECUTION SERVICES IN MONTANA.

WHEREAS, the delivery of competent, qualified and professional prosecution services is vital to a productive and responsive criminal justice system; and

WHEREAS, prosecution services on the justice and district court level are now being provided by elected or appointed county attorneys in every county in the state; and

WHEREAS, the degree of experience and training among Montana's county attorneys always varies greatly throughout the State, as well as the salaries of elected county attorneys and deputy county attorneys, and

WHEREAS, the state of Montana has responsibility pursuant to section 17-7-112, MCA to pay 50 percent of a county attorney salary, but the amount of that salary is determined by the county compensation board; and

WHEREAS, county government has the responsibility to fund 100 percent of the salary of all deputy county attorneys together with all operational and maintenance costs of a county attorney office; and

WHEREAS, the Attorney General's office now maintains a prosecution services bureau that provides prosecution assistance on a limited basis to county attorneys in primarily smaller jurisdictions; and

WHEREAS, a comprehensive legal needs study has recently been completed by the Law and Justice Interim Committee, resulting in the introduction of Senate Bill 146, the Montana Public Defender Act, creating a statewide public defender system to improve the delivery of indigent defense services on a statewide basis ; and

WHEREAS, it is in the best interests of the people of the State of Montana to encourage and develop career prosecutors who can provide consistent levels of prosecution services throughout the state,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to review the delivery of prosecution services throughout Montana on the county level and to determine whether any changes may be appropriate. The study must include:

- (1) a review of the various means by which prosecution services are being provided in Montana counties;
- (2) a review of the costs associated with the provision of prosecution services in Montana counties
- (3) changes in state law that may be necessary to facilitate the provision of prosecution services throughout state;
- (4) a review of funding sources currently available to address provision of prosecution needs;

(5) a determination of the level of public funding required to provide consistent, uniform, professional prosecution services to the criminal justice system;

(6) any other aspect of the administration of prosecution services for Montanans that is determined to be appropriate.

BE IT FURTHER RESOLVED, that the study committee or staff be directed to request information and staff assistance from the Legislative Fiscal Division.

BE IT FURTHER RESOLVED, that the committee or staff be directed to develop a specific list of options, including an option of no action, to be considered for recommendation to the 61th Legislature.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to January 1, 2007.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 61th Legislature.

- END -