

SENATE BILL NO. 40

INTRODUCED BY J. SHOCKLEY

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO SEARCH WARRANTS; PROVIDING FOR THE APPOINTMENT OF STANDING MASTERS IN THE FIRST JUDICIAL DISTRICT TO HANDLE STATEWIDE SEARCH WARRANT APPLICATIONS DURING DAYS AND HOURS THAT COURTS ARE NOT IN SESSION; AMENDING SECTION 46-5-220, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Nonjudicial hours -- search warrants -- appointment of standing

master. (1) The judges of the district court of the first judicial district shall appoint one or more standing masters to receive applications for search warrants on legal holidays, on nonjudicial days, and during hours that courts are not in session. The authority of a standing master appointed under this section to issue search warrants extends to all parts of the state.

(2) An application for a search warrant may be made to a standing master appointed under this section during the time periods provided in subsection (1).

(3) The application for and issuance of search warrants under this section shall comply with the provisions of Title 46, chapter 5, part 2.

(4) A standing master appointed under this section must meet the qualifications of a justice of the peace under 3-10-202 and be a resident of the first judicial district.

(5) All proceedings before a special master under this section must be conducted in a suitable room in the courthouse. An application for a search warrant under this section may be made to the special master in person, by telephone, or by the use of two-way electronic audio-visual communication. All records of a standing master appointed under this section must be kept in accordance with the rules governing the district court and 46-5-222, as applicable.

(6) The expenses of a standing master appointed under this section shall be paid as provided in 3-5-901.

