

SENATE BILL NO. 345

INTRODUCED BY A. WITTICH

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE PREVAILING PARTY IN AN ACTION BROUGHT TO ENFORCE A PLAINTIFF'S CONSTITUTIONAL RIGHTS MAY BE AWARDED COSTS AND REASONABLE ATTORNEY FEES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Action to enforce constitutional rights -- costs and attorney fees to prevailing party.** (1) It is the intent of the legislature to allow persons to seek redress for deprivations of the rights they have reserved to themselves under the Montana constitution or the United States constitution.

(2) The party that prevails in an action brought in court to enforce a plaintiff's rights under Article II of the Montana constitution or under the United States constitution may be awarded costs and reasonable attorney fees.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 2, chapter 9, and the provisions of Title 2, chapter 9, apply to [section 1].

NEW SECTION. **Section 3. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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