

Amendments to House Bill No. 332
1st Reading Copy

Requested by Representative Wendy Warburton

For the House Judiciary Committee

Prepared by David Niss
January 31, 2011 (2:51pm)

1. Page 1.

Following: line 8

Insert: "WHEREAS, the Montana Constitution in Article II, section 26, provides that the right of trial by jury is secured to all and shall remain inviolate; and

WHEREAS, the prerogative of jurors to determine the facts as well as to judge the propriety of the law applicable in jury trials has been a component of the institution of trial by jury since at least the enactment of the Magna Carta in 1215 A.D.; and

WHEREAS, Montana trial jurors should not be prohibited from reading the Montana and United States Constitutions or any statute books they might request while serving as jurors; and

WHEREAS, clarification is needed to address issues relating to jury instructions in Montana courts; and

WHEREAS, trial by jury in Montana is an important protector of the rights and liberties of every Montanan and provides a vital check against unfairness and oppression; and

WHEREAS, Montana jurors should be fully informed regarding their right to choose to acquit in criminal cases and their constitutional prerogative to determine the propriety of the application of laws; and

WHEREAS, Montana jurors should be fully informed of the sentencing repercussions of their verdicts.

THEREFORE, the Legislature of the State of Montana enacts the Montana Fully Informed Jury Act."

2. Page 1.

Following: line 8

Insert: "NEW SECTION. Section 1. Short title. [Section 1] may be cited as the "Montana Fully Informed Jury Act"."

Renumber: subsequent sections

3. Page 1, line 30.
Strike: "[section 1]"
Insert: "[section 2]"

4. Page 2, line 6.
Strike: "[section 1]"
Insert: "[section 2]"

5. Page 2, line 12.
Strike: "[section 1]"
Insert: "[section 2]"

6. Page 2, line 18.
Strike: "[section 1]"
Insert: "[section 2]"

7. Page 2, lines 23 and 25.
Strike: "[Section 1]"
Insert: "[Section 2]"

8. Page 2, lines 24 and 26.
Strike: "[section 1]"
Insert: "[section 2]"

- END -