

HOUSE BILL NO. 320

INTRODUCED BY M. REGIER

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE STATE TO APPEAL A DISMISSAL OF A CHARGE IN A CASE; AMENDING SECTION 46-20-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 46-20-103, MCA, is amended to read:

"46-20-103. Scope of appeal by state. (1) Except as otherwise specifically authorized, the state may not appeal in a criminal case.

(2) The state may appeal from any court order or judgment the substantive effect of which results in:

- (a) dismissing a case or a charge in a case;
- (b) modifying or changing the verdict as provided in 46-16-702(3)(c);
- (c) granting a new trial;
- (d) quashing an arrest or search warrant;
- (e) suppressing evidence;
- (f) suppressing a confession or admission;
- (g) granting or denying change of venue; or
- (h) imposing a sentence that is contrary to law."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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