

HOUSE BILL NO. 406

INTRODUCED BY W. CURDY

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING JURORS FROM DOING ANY KIND OF INDEPENDENT RESEARCH ON THE SUBJECT OF A TRIAL AND PROVIDING THAT DOING ANY INDEPENDENT RESEARCH CONSTITUTES CONTEMPT; AND AMENDING SECTIONS 25-7-402 AND 25-7-403, MCA."

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

Section 1. Section 25-7-402, MCA, is amended to read:

"25-7-402. Admonition when jury permitted to separate. (1) If the jurors are permitted to separate, either during the trial or after the case is submitted to them, they ~~shall~~ must be admonished by the court that:

(a) it is ~~their~~ the jurors' duty not to converse with or ~~suffer~~ put themselves in a position to be addressed by any other person on any subject of the trial and ~~that it is their duty~~ not to form or express an opinion ~~thereon~~ on any subject of the trial until the case is finally submitted to them; and

(b) jurors are prohibited from doing research of any kind, speaking with anyone outside of the other jurors, consulting written or electronic sources, or in any other way attempting to gather information about the subject of the trial or the parties.

(2) If a juror violates subsection (1)(a) or (1)(b), the violation constitutes contempt under 3-1-501(2)."

Section 2. Section 25-7-403, MCA, is amended to read:

"25-7-403. Conduct of jury after case submitted to it. (1) When the case is finally submitted to the jury, ~~it~~ the jurors may decide in court or retire for deliberation. If the jurors retire, they must be kept together in some convenient place, under charge of an officer, until at least two-thirds of them agree ~~upon~~ on a verdict or are discharged by the court. Unless by order of the court, the officer having the jurors under the officer's charge may not allow any communication to be made to the jurors and the officer may not make any communication, except to ask the jurors if they or two-thirds of them are agreed ~~upon~~ on a verdict. The officer may not, before the jurors' verdict is rendered, communicate to any person the state of ~~their~~ the jurors' deliberations or ~~the~~ their verdict ~~agreed upon.~~

