

HOUSE BILL NO. 277

INTRODUCED BY M. REGIER

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SPEEDY TRIAL LAWS FOR FELONY OFFENSES; PROVIDING THAT A COURT MAY ADDRESS A MOTION TO DISMISS FOR LACK OF A SPEEDY TRIAL ONLY IF 200 DAYS HAVE PASSED AFTER AN INITIAL APPEARANCE OR ENTRY OF A PLEA; AND AMENDING SECTION 46-13-401, MCA."

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

**Section 1.** Section 46-13-401, MCA, is amended to read:

**"46-13-401. Dismissal at instance of court or prosecution.** (1) The court may, either on its own motion or upon the application of the prosecuting attorney and in furtherance of justice, order a complaint, information, or indictment to be dismissed. However, the court may not order a dismissal of a complaint, information, or indictment, or a count contained in a complaint, information, or indictment, charging a felony, unless good cause for dismissal is shown and the reasons for the dismissal are set forth in an order entered upon the minutes.

(2) After the entry of a plea upon a misdemeanor charge, the court, unless good cause to the contrary is shown, shall order the prosecution to be dismissed, with prejudice, if a defendant whose trial has not been postponed upon the defendant's motion is not brought to trial within 6 months.

(3) After an initial appearance or the entry of a plea on a charge for a felony offense, the court may address a defendant's motion to dismiss for lack of a speedy trial only if the defendant demonstrates that 200 days have elapsed or will elapse from the date of the initial appearance or entry of a plea to the scheduled trial date.

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