68th Legislature 2023 HB 589.1

1	HOUSE BILL NO. 589
2	INTRODUCED BY L. SHELDON-GALLOWAY, C. HINKLE
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4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO GRAND JURIES; PROVIDING
5	THAT A GROUP OF REGISTERED ELECTORS OF A COUNTY MAY PETITION FOR A GRAND JURY TO
6	BE SUMMONED; AMENDING SECTIONS 3-15-601 AND 46-11-301, MCA; AND PROVIDING AN EFFECTIVE
7	DATE AND A CONTINGENT EFFECTIVE DATE."
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11	Section 1. Section 3-15-601, MCA, is amended to read:
12	"3-15-601. When and how drawn and summoned. (1) (a) Whenever in the opinion of the district
13	court judge or as provided in subsection (1)(b) that a grand jury is necessary, the judge shall make an order
14	directing a grand jury to be drawn and summoned to attend before the court. The order must specify the
15	number of jurors to be drawn, which may not be less than 15 or more than 20.
16	(b) Whenever 1/2 of 1% of the registered electors of a county have signed a petition to summon a
17	grand jury and have submitted the petition signatures to the county election administrator, a grand jury must be
18	summoned and empaneled by the judge of the district court for the county receiving the petition.
19	(2) The jurors must be drawn from the jury box or the computer database provided for in 3-15-404.
20	If jurors are selected from the computer database, it must be through a computerized random selection process
21	that the judges of the district court of the county have approved in writing as the requirements for the drawing of
22	grand juries. A copy of the latest jury list and a description of the approved computer process employed in the
23	selection must be kept in the office of the clerk of court and must be available for public inspection during
24	normal business hours.
25	(3) The list of names must be certified and the jurors summoned in the same manner as for trial
26	jurors. The names or numbers of any persons drawn who are not impaneled on the grand jury must be returned
27	to the jury box or reinstated on the computer database."
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1	Section 2.	Section	46-11-301,	MCA.	, is	amended	to	read
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"46-11-301. Summoning grand jury. (1) (a) A grand jury may only be drawn and summoned when the district judge, in the judge's discretion, or as provided in subsection (1)(b), considers a grand jury to be in the public interest and orders the grand jury to be drawn or summoned. The composition and drawing of a grand jury must be in accordance with the provisions of Title 3, chapter 15, part 6.

- (b) Whenever 1/2 of 1% of the registered electors of a county have signed a petition to summon a grand jury and have submitted the petition signatures to the county election administrator, a grand jury must be summoned and empaneled by the judge of the district court for the county receiving the petition.
- (2) The district judge may direct the selection of one or more alternate jurors, who shall sit as regular jurors before an indictment is found or a grand jury investigation is concluded. A member of the jury who becomes unable to perform the juror's duty may be replaced by an alternate."

COORDINATION SECTION. Section 3. Coordination instruction. If House Bill No. 405 submitting an amendment to Article II, section 20, of the Montana constitution is not passed by the legislature by an affirmative roll call vote of two-thirds of all the members of the legislature, whether one or more bodies, then [this act] is void.

NEW SECTION. Section 4. Effective date and contingent effective date. (1) Except as provided in subsection (2), [this act] is effective October 1, 2023.

(2) [Sections 1 and 2] are effective on the date that the secretary of state certifies to the code commissioner that House Bill No. 405 was submitted to the qualified electors of Montana and the qualified electors of Montana approved the constitutional amendment to Article II, section 20, of the Montana Constitution. The secretary of state shall submit certification within 1 day of the occurrence of the contingency.

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