

BALLOT LANGUAGE FOR CONSTITUTIONAL INITIATIVE NO. 107 (CI-107)

CONSTITUTIONAL INITIATIVE NO. 107

A CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION

CI-107 amends the Montana Constitution to allow a person accused of a crime to argue to the jury the propriety, applicability, and merits of the law that the person is accused of violating. It also requires the judge to instruct the jury that it can decide the propriety, applicability, and merits of the law that the person on trial is accused of violating.

- FOR amending the Montana Constitution to allow a person accused of a crime to argue to the jury the merits of the law.
- AGAINST amending the Montana Constitution to allow a person accused of a crime to argue to the jury the merits of the law.

THE COMPLETE TEXT OF CONSTITUTIONAL INITIATIVE NO. 107 (CI-107)

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

NEW SECTION. **Section 1.** Article II, section 24, of The Constitution of the State of Montana is amended to read:

"Section 24. Rights of the accused -- applicability of law considered by jurors. (1) In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, subject to the right of the state to have a change of venue for any of the causes for which the defendant may obtain the same.

(2) In all criminal jury trials, the accused may argue the propriety, applicability, and merits of the law to the jurors, and the jury shall be instructed that it has the power to determine those factors in order to protect the accused from unjust prosecutions with its verdict. Denial or obstruction of this subsection is reversible error."