# SENATE BILL NO. 293

# INTRODUCED BY DOHERTY, HALLIGAN

## IN THE SENATE

	IN THE SENATE
FEBRUARY 6, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 7, 1991	FIRST READING.
FEBRUARY 18, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 19, 1991	PRINTING REPORT.
FEBRUARY 20, 1991	SECOND READING, DO PASS.
FEBRUARY 21, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 46; NOES, 2.
	TRANSMITTED TO HOUSE.
	IN THE HOUSE
MARCH 4, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 19, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 21, 1991	SECOND READING, CONCURRED IN.
MARCH 23, 1991	THIRD READING, CONCURRED IN. AYES, 97; NOES, 1.
	RETURNED TO SENATE.
	IN THE SENATE
MARCH 25, 1991	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

52nd Legislature

LC 1643/01

LC 1643/01

1	Single BILL NO. 293
2	INTRODUCED BY There
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE
5	JURISDICTION OF JUSTICES' COURTS AND MUNICIPAL COURTS; AND
6	AMENDING SECTIONS 3-6-103 AND 3-10-301, MCA."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	Section 1. Section 3-6-103, MCA, is amended to read:
10	"3-6-103. Jurisdiction. (1) Said The municipal court
11	shall-have has jurisdiction coordinate and coextensive with
12	the justices' courts of the county wherein-said where the
13	city is located and shall;-inadditionthereto;have has
14	exclusive original jurisdiction of all civil and criminal
15	actions and proceedings,-both-civil-and-criminal,mentioned
16	and provided for in 3-11-103.
17	(2) Suchmunicipal Municipal courts shall-also have
18	concurrent jurisdiction with the district court within-their
19	respective-counties in forcible entry and unlawful detainer
20	and in actions arising under Title 70, chapters 24 through
21	<u>26.</u>
22	(3) Applications for search warrants and complaints
23	charging the commission of a felony may be filed in
24	municipal court. The municipal court judge has the same
25	jurisdiction and responsibility as a justice of the peace,

1	including	holdi	ng pre	limina	ry	hear	ings.	The	city	attorne
2	may initia	ate pro	ceeding	s char	ging	аf	elony	i£	the	offens
3	was comm	itted_	within	the	city	<u>li</u>	mits,	but	the	count
4	attorney	shall	take c	harge	of t	he a	ction	if a	an int	formatio
5	is filed	in dist	rict co	urt."						

Section 2. Section 3-10-301, MCA, is amended to read:

"3-10-301. Civil jurisdiction. (1) Except as provided

in subsection (2) and in 3-11-103, the justices' courts have

jurisdiction:

10 (a) in actions arising on contract for the recovery of 11 money only if the sum claimed does not exceed \$3750012 \$10,000, exclusive of court costs;

(b) in actions for damages not exceeding \$3,7500

14 \$10,000, exclusive of court costs, for taking, detaining, or

15 injuring personal property or for injury to real property

16 when no issue is raised by the verified answer of the

17 defendant involving the title to or possession of the real

18 property;

19 (c) in actions for damages not exceeding \$37500
20 \$10,000, exclusive of court costs, for injury to the person,
21 except that, in actions for false imprisonment, libel,
22 slander, criminal conversation, seduction, malicious
23 prosecution, determination of paternity, and abduction, the
24 justice of the peace does not have jurisdiction;

25 (d) in actions to recover the possession of personal

#### LC 1643/01

property if the value of the property does not exceed \$3,75θθ

2 \$10,000;

3

5

7

- (e) in actions for a fine, penalty, or forfeiture not exceeding \$37500 \$10,000, imposed by a statute or an ordinance of an incorporated city or town when no issue is raised by the answer involving the legality of any tax, impost, assessment, toll, or municipal fine;
- 8 (f) in actions upon bonds or undertakings conditioned 9 for the payment of money when the sum claimed does not 10 exceed \$3,7500 \$10,000, though the penalty may exceed that 11 sum;
- 12 (g) to take and enter judgment for the recovery of
  13 money on the confession of a defendant when the amount
  14 confessed does not exceed \$37500 \$10,000, exclusive of court
  15 costs;
- (h) to issue temporary restraining orders as provided in 40-4-121(3).
- 18 (2) Justices' courts do not have jurisdiction in civil
  19 actions that might result in a judgment against the state
  20 for the payment of money."

25

# APPROVED BY COMMITTEE ON JUDICIARY

1	SENATE BILL NO. 293
2	INTRODUCED BY DOHERTY, HALLIGAN
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE
5	JURISDICTION OF JUSTICES'-COURTS-AND MUNICIPAL COURTS; AND
6	AMENDING SECTION 3-6-103 AND-3-10-301, MCA."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	Section 1. Section 3-6-103, MCA, is amended to read:
0	"3-6-103. Jurisdiction. (1) Said The municipal court
1	shall-have has jurisdiction coordinate and coextensive with
. 2	the justices' courts of the county wherein-said where the
. 3	city is located and shall;-inadditionthereto;have has
. 4	exclusive original jurisdiction of all civil and criminal
.5	actions and proceedings,-both-civil-and-criminal,mentioned
6	and provided for in 3-11-103.
.7	(2) Suchmunicipal Municipal courts shell-also have
.8	concurrent jurisdiction with the district court within-their
9	respective-counties in-forcible-entry-and-unlawfuldetainer
0	and in actions arising under Title 70, chapters 24 through
1	<del>26</del> 27.
2	(3) Applications for search warrants and complaints
:3	charging the commission of a felony may be filed in
4	municipal court. The municipal court judge has the same

jurisdiction and responsibility as a justice of the peace,

2	may initiate proceedings charging a felony if the offense
3	was committed within the city limits, but the county
4	attorney shall take charge of the action if an information
5	is filed in district court."
6	Section-2Section-3-10-301;-MCA;-is-amended-to-read:
7	#3-10-301Civil-jurisdiction(1)-Exceptasprovided
8	in-subsection-(2)-and-in-3-11-1037-the-justicescourts-have
9	jurisdiction:
10	(a)inactions-arising-on-contract-for-the-recovery-of
11	money-onlyifthesumclaimeddoesnotexceed\$3,500
12	\$10,000,-exclusive-of-court-costs;
13	(b)inactionsfordamagesnotexceeding\$3,500
14	91070007-exclusive-of-court-costs7-for-taking7-detaining7-or
15	injuring-personal-property-or-for-injurytorealproperty
16	when-moissueisraisedbytheverified-answer-of-the
17	defendant-involving-the-title-to-or-possession-ofthereal
18	property;
19	te)inactionsfordamagesnotexceeding\$3,500
20	\$10,000, exclusive-of-court-costs,-for-injury-to-the-person,
21	except-that;inactionsforfalseimprisonment;libel;
22	slander;criminalconversation;seduction;malicious
23	prosecution,determination-of-paternity,-and-abduction,-the
24	justice-of-the-peace-does-not-have-jurisdiction;
25	(d)in-actions-to-recover-thepossessionofpersonal

including holding preliminary hearings. The city attorney

SECOND READING

### SB 0293/02

L	property-if-the-value-of-the-property-does-not-exceed-\$3,500
2	\$107888 <sub>7</sub>
3	te}inactionsfor-a-fine;-penalty;-or-forfeiture-not
ı	exceeding\$3,500 <u>\$10,000</u> ,imposedbyastatuteoran
5	ordinance-of-an-incorporated-city-or-town-when-noissueis
5	raisedbytheanswerinvolvingthe-legality-of-any-tax;
7	imposty-assessmenty-tolly-or-municipal-fine;
3	(f)in-actions-upon-bonds-orundertakingsconditioned
•	forthepaymentofmoneywhenthe-sum-claimed-does-not
0	exceed-\$37500-\$1070007-though-the-penaltymayexceedthat
L	sum;
2	tg}totakeandenterjudgmentfor-the-recovery-of
3	money-on-the-confessionofadefendantwhentheamount
4	confessed-does-not-exceed-\$3;500-\$10;000;-exclusive-of-court
5	costs;
6	th}toissuetemporary-restraining-orders-as-prowided
7	in-40-4-121(3)-
8	(2)Justicescourts-do-not-have-jurisdiction-incivil
9	actionsthatmightresult-in-a-judgment-against-the-state
0	for-the-payment-of-money-4

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6	AMENDING SECTION 3-6-103 AND-3-10-301, MCA."
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14	exclusive original jurisdiction of all civil and criminal
15	actions and proceedings,-both-civil-and-criminal,mentioned
16	and provided for in 3-11-103.
17	[2] Such-municipal Municipal courts shall-also have
18	concurrent jurisdiction with the district court within-their
19	respective-counties in-forcible-entry-and-unlawfuldetainer
20	and in actions arising under Title 70, chapters 24 through
21	<del>26</del> 27.
22	(3) Applications for search warrants and complaints
23	charging the commission of a felony may be filed in
24	municipal court. The municipal court judge has the same

jurisdiction and responsibility as a justice of the peace,

$\Lambda$		
Montana	Legislative	Counc#

1	including holding preliminary hearings. The city attorney
2	may initiate proceedings charging a felony if the offense
3	was committed within the city limits, but the county
4	attorney shall take charge of the action if an information
5	is filed in district court."
6	Section-2:Section-3-10-301;-MCA;-is-amended-to-read:
7	*3-10-301:Civil-jurisdiction:-(1)-Exceptasprovided
8	in-subsection-(2)-and-in-3-11-103,-the-justicescourts-have
9	jurisdiction:
10	(a)inactions-arising-on-contract-for-the-recovery-of
11	money-onlyifthesumclaimeddoesnotexceed\$3,500
12	91070007-exclusive-of-court-costs;
13	(b)inactionsfordamagesnotexceeding\$3,500
14	91070007-exclusive-of-court-costs7-for-taking7-detaining7-or
15	injuring-personal-property-or-for-injurytorealproperty
16	whennoissueisraisedbytheverified-answer-of-the
17	defendant-involving-the-title-to-or-possession-ofthereal
18	property;
19	<pre>tc}inactionsfordamagesnotexceeding\$3,500</pre>
20	\$10,000,-exclusive-of-court-costs,-for-injury-to-the-person,
21	except-that;inactionsforfalseimprisonment;libel;
22	stander; criminat conversation; seduction; maticious
23	prosecution; determination-of-paternity; -and-abduction; -the
24	justice-of-the-peace-does-not-have-jurisdiction;
25	<pre>fd;in-actions-to-recover-thepossessionofpersonal</pre>

THIRD READING

1	property-if-the-value-of-the-property-does-not-exceed-93,500
2	91070007
3	(e)inactionsfor-a-fine,-penalty,-or-forfeiture-not
4	exceeding\$37500 <u>\$107000</u> 7imposedbyastatuteoran
5	ordinance-of-an-incorporated-city-or-town-when-noissueis
6	raisedbytheanswerinvolvingthe-legality-of-any-tax7
7	impost;-assessment;-toll;-or-municipal-fine;
8	<pre>ff)in-actions-upon-bonds-orundertakingsconditioned</pre>
9	forthepaymentofmoneywhenthe-sum-claimed-does-not
10	exceed-\$37500-\$1070007-though-the-penaltymayexceedthat
11	94R <del>7</del>
12	fg}totakeandenterjudgmentfor-the-recovery-of
13	money-on-the-confessionofadefendantwhentheamount
14	confessed-does-not-exceed-937500-91070007-exclusive-of-court
15	costs;
16	th;toissuetemporary-restraining-orders-as-provided
17	in-40-4-121(3)-
18	<pre>†2}Justices'-courts-do-not-have-jurisdiction-incivil</pre>
19	actionsthatmightresult-in-a-judgment-against-the-state
20	for-the-payment-of-money."

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8	property;
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20	9±070007-exclusive-of-court-costs7-for-injury-to-the-person7
21	except-that;inactionsforfalseimprisonment;libel;
2 2	stander;criminalconversation;seduction;malicious
23	prosecution; determination-of-paternity; -and-abduction; the
2.4	justice-of-the-peace-does-not-have-jurisdiction;
25	fdtin-artiana-ta-rangua-th

SB 0293/02

1	property-if-the-value-of-the-property-does-not-exceed-93,500
2	910,000;
3	<pre>{e}inactionsfor-a-fine;-penalty;-or-forfeiture-not</pre>
4	exceeding\$3,500 <u>\$10,000</u> ,imposedbyastatuteoran
5	ordinance-of-an-incorporated-city-or-town-when-noissueis
6	raisedbytheanswerinvolvingthe-legality-of-any-tax $_{T}$
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10	exceed-\$3,500- <u>\$10,000</u> ,-though-the-penaltymayexceedthat
11	±um;
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15	costs;
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17	in-40-4-121(3);
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