



1 Senate BILL NO. 293  
2 INTRODUCED BY D. Hunt Alley

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, in addition thereto, 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) Such municipal 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 26.

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 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) Except as provided  
8 in subsection (2) and in 3-11-103, the justices' courts have  
9 jurisdiction:

10 (a) in actions arising on contract for the recovery of  
11 money only if the sum claimed does not exceed \$37,500  
12 \$10,000, exclusive of court costs;

13 (b) in actions for damages not exceeding \$37,500  
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 \$37,500  
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

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1 property if the value of the property does not exceed ~~\$3,500~~  
2 \$10,000;

3 (e) in actions for a fine, penalty, or forfeiture not  
4 exceeding ~~\$3,500~~ \$10,000, imposed by a statute or an  
5 ordinance of an incorporated city or town when no issue is  
6 raised by the answer involving the legality of any tax,  
7 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 ~~\$3,500~~ \$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 ~~\$3,500~~ \$10,000, exclusive of court  
15 costs;

16 (h) to issue temporary restraining orders as provided  
17 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."

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

SENATE BILL NO. 293

INTRODUCED BY DOHERTY, HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE  
JURISDICTION OF JUSTICES' COURTS AND MUNICIPAL COURTS; AND  
AMENDING SECTIONS SECTION 3-6-103 AND 3-10-301, MCA."

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

**Section 1.** Section 3-6-103, MCA, is amended to read:

**"3-6-103. Jurisdiction.** (1) Said The municipal court  
shall have has jurisdiction coordinate and coextensive with  
the justices' courts of the county wherein-said where the  
city is located and shall, in--addition--thereto,--have has  
exclusive original jurisdiction of all civil and criminal  
actions and proceedings, both-civil-and-criminal,--mentioned  
and provided for in 3-11-103.

(2) Such--municipal Municipal courts shall also have  
concurrent jurisdiction with the district court within-their  
respective-counties in-forcible-entry-and-unlawful--detainer  
and in actions arising under Title 70, chapters 24 through  
26 27.

(3) Applications for search warrants and complaints  
charging the commission of a felony may be filed in  
municipal court. The municipal court judge has the same  
jurisdiction and responsibility as a justice of the peace,

including holding preliminary hearings. The city attorney  
may initiate proceedings charging a felony if the offense  
was committed within the city limits, but the county  
attorney shall take charge of the action if an information  
is filed in district court."

~~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:~~

~~(a)--in--actions--arising--on--contract--for--the--recovery--of~~  
~~money--only--if--the--sum--claimed--does--not--exceed--\$3,500~~  
~~\$10,000, exclusive of court costs;~~

~~(b)--in--actions--for--damages--not--exceeding--\$3,500~~  
~~\$10,000, exclusive of court costs, for taking, detaining, or~~  
~~injuring personal property or for injury to real property~~  
~~when--no--issue--is--raised--by--the--verified--answer--of--the~~  
~~defendant--involving--the--title--to--or--possession--of--the--real~~  
~~property;~~

~~(c)--in--actions--for--damages--not--exceeding--\$3,500~~  
~~\$10,000, exclusive of court costs, for injury to the person,~~  
~~except that, in actions for false imprisonment, libel,~~  
~~stander, criminal conversation, seduction, malicious~~  
~~prosecution, determination of paternity, and abduction, the~~  
~~justice of the peace does not have jurisdiction;~~

~~(d)--in--actions--to--recover--the--possession--of--personal~~

SECOND READING



1 ~~property if the value of the property does not exceed \$3,500~~  
2 ~~\$10,000.~~

3 ~~{e}--in--actions--for--a--fine,--penalty,--or--forfeiture--not~~  
4 ~~exceeding--\$3,500--\$10,000,--imposed--by--a--statute--or--an~~  
5 ~~ordinance--of--an--incorporated--city--or--town--when--no--issue--is~~  
6 ~~raised--by--the--answer--involving--the--legality--of--any--tax,~~  
7 ~~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--\$3,500--\$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--\$3,500--\$10,000,--exclusive--of--court~~  
15 ~~costs;~~

16 ~~{h}--to--issue--temporary--restraining--orders--as--provided~~  
17 ~~in--40-4-121(3);~~

18 ~~{i}--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;''~~

-End-

SENATE BILL NO. 293

INTRODUCED BY DOHERTY, HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE JURISDICTION OF JUSTICES' COURTS AND MUNICIPAL COURTS; AND AMENDING SECTIONS SECTION 3-6-103 ANB-3-10-301, MCA."

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

Section 1. Section 3-6-103, MCA, is amended to read:

"3-6-103. Jurisdiction. (1) Said The municipal court shall have has jurisdiction coordinate and coextensive with the justices' courts of the county wherein-said where the city is located and shall,-in-addition--thereto,-have has exclusive original jurisdiction of all civil and criminal actions and proceedings,-both-civil-and-criminal,-mentioned and provided for in 3-11-103.

(2) Such--municipal Municipal courts shall-also have concurrent jurisdiction with the district court within-their respective-counties in-forcible-entry-and-unlawful--detainer and in actions arising under Title 70, chapters 24 through 26 27.

(3) Applications for search warrants and complaints charging the commission of a felony may be filed in municipal court. The municipal court judge has the same jurisdiction and responsibility as a justice of the peace,

including holding preliminary hearings. The city attorney may initiate proceedings charging a felony if the offense was committed within the city limits, but the county attorney shall take charge of the action if an information is filed in district court."

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:

(a)--in--actions-arising-on-contract-for-the-recovery-of money-only--if--the--sum--claimed--does--not--exceed--\$3,500 \$10,000,-exclusive-of-court-costs;

(b)--in--actions---for--damages--not--exceeding--\$3,500 \$10,000,-exclusive-of-court-costs,-for-taking,-detaining,-or injuring-personal-property-or-for-injury--to--real--property when--no--issue--is--raised--by--the--verified-answer-of-the defendant-involving-the-title-to-or-possession-of--the--real property;

(c)--in--actions---for--damages--not--exceeding--\$3,500 \$10,000,-exclusive-of-court-costs,-for-injury-to-the-person,- except-that,-in--actions--for--false--imprisonment,-libel,- slander,-criminal--conversation,-seduction,-malicious prosecution,-determination-of-paternity,-and-abduction,-the justice-of-the-peace-does-not-have-jurisdiction;

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

THIRD READING



1 property-if-the-value-of-the-property-does-not-exceed-\$3,500  
2 \$10,000;

3 (e)--in--actions--for-a-fine,penalty,or-forfeiture-not  
4 exceeding--\$3,500--\$10,000--imposed--by--a--statute--or--an  
5 ordinance-of-an-incorporated-city-or-town-when-no--issue--is  
6 raised--by--the--answer--involving--the-legality-of-any-tax,  
7 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-\$3,500-\$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-\$3,500-\$10,000,exclusive-of-court  
15 costs;

16 (h)--to--issue--temporary-restraining-orders-as-provided  
17 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."

-End-

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(2) Such--municipal Municipal courts shall-also have concurrent jurisdiction with the district court within-their respective-counties in-forcible-entry-and-unlawful-detainer and in actions arising under Title 70, chapters 24 through 26 27.

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including holding preliminary hearings. The city attorney may initiate proceedings charging a felony if the offense was committed within the city limits, but the county attorney shall take charge of the action if an information is filed in district court."

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:

(a)--in--actions-arising-on-contract-for-the-recovery-of money-only--if--the--sum--claimed--does--not--exceed--\$3,500 \$10,000, exclusive-of-court-costs;

(b)--in--actions---for--damages--not--exceeding--\$3,500 \$10,000, exclusive-of-court-costs, for-taking, detaining, or injuring personal property or for injury--to--real--property when--no--issue--is--raised--by--the--verified-answer-of-the defendant-involving-the-title-to-or-possession-of--the--real property;

(c)--in--actions---for--damages--not--exceeding--\$3,500 \$10,000, exclusive-of-court-costs, for-injury-to-the-person, except-that, in-actions--for--false--imprisonment,--libel, slander,--criminal--conversation,--seduction,--malicious prosecution,--determination-of-paternity,--and-abduction, the justice-of-the-peace-does-not-have-jurisdiction;

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

REFERENCE BILL SB 293





1 property-if-the-value-of-the-property-does-not-exceed-\$3,500  
2 \$10,000;

3 (e)--in--actions--for-a-fine,penalty,or-forfeiture-not  
4 exceeding--\$3,500--\$10,000,--imposed--by--a--statute--or--an  
5 ordinance-of-an-incorporated-city-or-town-when-no--issue--is  
6 raised--by--the--answer--involving--the-legality-of-any-tax,  
7 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--\$3,500--\$10,000,--though-the-penalty--may--exceed--that  
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13 money-on-the-confession-of--a--defendant--when--the--amount  
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19 actions--that--might--result-in-a-judgment-against-the-state  
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-End-