

**VOLUME NO. 35****Opinion No. 93**

**COUNTY COMMISSIONERS—Justices of the peace, provide Revised Codes of Montana to; JUSTICE COURTS—Revised Codes of Montana must be provided to; JUSTICES OF THE PEACE—Revised Codes of Montana must be provided to. Sections 93-401 and 93-412, R.C.M. 1947.**

**HELD: The latest edition of the Revised Codes of Montana and all official supplements thereto must be supplied to each justice of the peace in each county.**

August 5, 1974

Mr. William J. Krutzfeldt  
Custer County Attorney  
County Attorney's Office  
Miles City, Montana 59301

Attention: Mr. Keith D. Haker  
Deputy County Attorney

Dear Mr. Haker:

You have requested my opinion on the following question:

Whether the latest edition of the Revised Codes of Montana and all official supplements thereto must be supplied to each justice of the peace in each county.

Section 93-401, Revised Codes of Montana, 1947, provides, in pertinent part:

There must be at least one (1) justice court in each county of the state. The board of county commissioners of each county of the state shall have the authority to constitute one (1) additional justice court in their respective counties as the board deems necessary. One (1) justice court in each county must be located at the county seat and the board of county commissioners shall determine the location of the other justice court in their respective counties...

Section 93-412, R.C.M. 1947, provides that the county commissioners shall provide for the justices of the peace:

(c) the latest edition of the Revised Codes of Montana and all official supplements thereto.

In construing a statute, the intention of the legislature is always to be pursued, if possible. Section 93-401-16, R.C.M. 1947; **State ex rel. Krona v. Holmes**, 114 Mont. 372, 376, 136 P.2d 220 (1943). In determining legislative intent, one must first resort to the plain meaning of the words used. **State ex rel. Cashmore v. Anderson**, \_\_\_\_ Mont. \_\_\_\_, 500 P.2d 921, 924 (1972).

Section 93-412, *supra*, provides that the county commissioners "shall provide for the justices of the peace ...". The word "justices" is plural and by its plain meaning indicates that each justice of the peace shall be equipped as provided for by section 93-412, *supra*. Since section 93-401, *supra*, provides that justices of the peace may be located in different cities and towns, it is obvious that separate sets of the Revised Codes of Montana and current supplements thereto must be furnished to each of them for the proper and effective administration of justice. I would apply the same rationale to the situation where two justices of the peace were located in the same building because the Codes are an indispensable tool of the judiciary and should always be immediately available to the justices.

You have indicated that there are presently four justices of the peace in Custer County. However, since section 93-401, *supra*, provides for a maximum of two justices per county, I would take this fact into consideration in attempting to comply with the provisions of section 93-412, *supra*.

**THEREFORE, IT IS MY OPINION:**

The latest edition of the Revised Codes of Montana and all official supplements thereto must be supplied to each justice of the peace in each county.

Very truly yours,  
**ROBERT L. WOODAHL**  
Attorney General