## **Judicial Branch Goals and Objectives Montana Constitutional Authorizations:**

ARTICLE II	Section 16. The administration of justice. Courts of justice
	shall be open to every person, and speedy remedy afforded
	for every injury of person, property, or character. No person
DECLARATION	shall be deprived of this full legal redress for injury incurred in
OF RIGHTS	employment for which another person may be liable except
	as to fellow employees and his immediate employer who
	hired him if such immediate employer provides coverage
	under the Workmen's Compensation Laws of this state. Right
	and justice shall be administered without sale, denial, or
	delay.
	Section 17. Due process of law. No person shall be
	deprived of life, liberty, or property without due process of
	law.
	Section 18. State subject to suit. The state, counties, cities,
	towns, and all other local governmental entities shall have no
	immunity from suit for injury to a person or property, except
	as may be specifically provided by law by a 2/3 vote of each
	house of the legislature.
	Section 19. Habeas corpus. The privilege of the writ of
	habeas corpus shall never be suspended.
	Section 20. Initiation of proceedings. (1) Criminal offenses
	within the jurisdiction of any court inferior to the district court
	shall be prosecuted by complaint. All criminal actions in
	district court, except those on appeal, shall be prosecuted
	either by information, after examination and commitment by a
	magistrate or after leave granted by the court, or by
	indictment without such examination, commitment or leave.
	(2) A grand jury shall consist of eleven persons, of whom
	eight must concur to find an indictment. A grand jury shall be
	drawn and summoned only at the discretion and order of the
	district judge.
	Section 21. Bail. All persons shall be bailable by sufficient
	sureties, except for capital offenses, when the proof is
	evident or the presumption great.
	Section 22. Excessive sanctions. Excessive bail shall not
	be required, or excessive fines imposed, or cruel and unusual
	punishments inflicted.
	Section 23. Detention. No person shall be imprisoned for
	the purpose of securing his testimony in any criminal
	proceeding longer than may be necessary in order to take his
	deposition. If he can give security for his appearance at the

time of trial, he shall be discharged upon giving the same; if he cannot give security, his deposition shall be taken in the
manner provided by law, and in the presence of the accused
and his counsel, or without their presence, if they shall fail to
attend the examination after reasonable notice of the time
and place thereof.
Section 24. Rights of the accused. 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.
 Section 25. Self-incrimination and double jeopardy. No
person shall be compelled to testify against himself in a
criminal proceeding. No person shall be again put in jeopardy
for the same offense previously tried in any jurisdiction.
Section 26. Trial by jury. The right of trial by jury is secured
to all and shall remain inviolate. But upon default of
appearance or by consent of the parties expressed in such
manner as the law may provide, all cases may be tried
without a jury or before fewer than the number of jurors
provided by law. In all civil actions, two-thirds of the jury may
render a verdict, and a verdict so rendered shall have the
same force and effect as if all had concurred therein. In all
criminal actions, the verdict shall be unanimous.
Section 27. Imprisonment for debt. No person shall be
imprisoned for debt except in the manner provided by law,
upon refusal to deliver up his estate for the benefit of his
creditors, or in cases of tort, where there is strong
presumption of fraud.
Section 28. Criminal justice policy rights of the
convicted. (1) Laws for the punishment of crime shall be
founded on the principles of prevention, reformation, public
safety, and restitution for victims.
(2) Full rights are restored by termination of state supervision
for any offense against the state.
History: Amd. Const. Amend. No. 33, approved Nov. 3, 1998.
Section 29. Eminent domain. Private property shall not be
taken or damaged for public use without just compensation to
the full extent of the loss having been first made to or paid
into court for the owner. In the event of litigation, just
compensation shall include necessary expenses of litigation
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	to be awarded by the court when the private property owner
	prevails.
	Section 30. Treason and descent of estates. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court; no person shall be attainted of treason or felony by the legislature; no conviction shall cause the loss of property to the relatives or heirs of the convicted. The estates of suicides shall descend or vest as in cases of natural death.  Section 31. Ex post facto, obligation of contracts, and irrevocable privileges. No ex post facto law nor any law impairing the obligation of contracts, or making any
	irrevocable grant of special privileges, franchises, or
	immunities, shall be passed by the legislature.
ARTICLE III	
GENERAL	Section 1. Separation of powers. The power of the
GOVERNMENT	government of this state is divided into three distinct
	brancheslegislative, executive, and judicial. No person or
	persons charged with the exercise of power properly
	belonging to one branch shall exercise any power properly
	belonging to either of the others, except as in this constitution
	expressly directed or permitted.
	Section 2. Continuity of government. The seat of government shall be in Helena, except during periods of emergency resulting from disasters or enemy attack. The
	legislature may enact laws to insure the continuity of
	government during a period of emergency without regard for
	other provisions of the constitution. They shall be effective
	only during the period of emergency that affects a particular
	office or governmental operation.
	Section 3. Oath of office. Members of the legislature and all
	executive, ministerial and judicial officers, shall take and
	subscribe the following oath or affirmation, before they enter upon the duties of their offices: "I do solemnly swear (or
	affirm) that I will support, protect and defend the constitution
	of the United States, and the constitution of the state of
	Montana, and that I will discharge the duties of my office with
	fidelity (so help me God)." No other oath, declaration, or test
	shall be required as a qualification for any office or public
	trust.
ARTICLE VII	Section 1. Judicial power. The judicial power of the state is
	vested in one supreme court, district courts, justice courts,
THE JUDICIARY	and such other courts as may be provided by law.

Section 2. Supreme court jurisdiction. (1) The supreme court has appellate jurisdiction and may issue, hear, and determine writs appropriate thereto. It has original jurisdiction to issue, hear, and determine writs of habeas corpus and such other writs as may be provided by law.  (2) It has general supervisory control over all other courts.  (3) It may make rules governing appellate procedure, practice and procedure for all other courts, admission to the bar and the conduct of its members. Rules of procedure shall be subject to disapproval by the legislature in either of the two sessions following promulgation.  (4) Supreme court process shall extend to all parts of the state.
Section 3. Supreme court organization. (1) The supreme court consists of one chief justice and four justices, but the legislature may increase the number of justices from four to six. A majority shall join in and pronounce decisions, which must be in writing.  (2) A district judge shall be substituted for the chief justice or a justice in the event of disqualification or disability, and the opinion of the district judge sitting with the supreme court shall have the same effect as an opinion of a justice.
Section 4. District court jurisdiction. (1) The district court has original jurisdiction in all criminal cases amounting to felony and all civil matters and cases at law and in equity. It may issue all writs appropriate to its jurisdiction. It shall have the power of naturalization and such additional jurisdiction as may be delegated by the laws of the United States or the state of Montana. Its process shall extend to all parts of the state.  (2) The district court shall hear appeals from inferior courts as trials anew unless otherwise provided by law. The legislature may provide for direct review by the district court of decisions of administrative agencies.  (3) Other courts may have jurisdiction of criminal cases not amounting to felony and such jurisdiction concurrent with that of the district court as may be provided by law.
Section 5. Justices of the peace. (1) There shall be elected in each county at least one justice of the peace with qualifications, training, and monthly compensation provided by law. There shall be provided such facilities that they may perform their duties in dignified surroundings.  (2) Justice courts shall have such original jurisdiction as may be provided by law. They shall not have trial jurisdiction in any criminal case designated a felony except as examining courts.

(3) The legislature may provide for additional justices of the
peace in each county.
<b>Section 6. Judicial districts.</b> (1) The legislature shall divide
the state into judicial districts and provide for the number of
judges in each district. Each district shall be formed of
compact territory and be bounded by county lines.
(2) The legislature may change the number and boundaries
of judicial districts and the number of judges in each district,
but no change in boundaries or the number of districts or
judges therein shall work a removal of any judge from office
during the term for which he was elected or appointed.
(3) The chief justice may, upon request of the district judge,
assign district judges and other judges for temporary service
from one district to another, and from one county to another.
Section 7. Terms and pay. (1) All justices and judges shall
be paid as provided by law, but salaries shall not be
diminished during terms of office.
(2) Terms of office shall be eight years for supreme court
justices, six years for district court judges, four years for
justices of the peace, and as provided by law for other
judges.
Section 8. Selection. (1) Supreme court justices and district
court judges shall be elected by the qualified electors as
provided by law.
(2) For any vacancy in the office of supreme court justice or
district court judge, the governor shall appoint a replacement
from nominees selected in the manner provided by law. If the
governor fails to appoint within thirty days after receipt of
nominees, the chief justice or acting chief justice shall make
the appointment from the same nominees within thirty days of
the governor's failure to appoint. Appointments made under
this subsection shall be subject to confirmation by the senate,
as provided by law. If the appointee is not confirmed, the
office shall be vacant and a replacement shall be made under
the procedures provided for in this section. The appointee
shall serve until the election for the office as provided by law
and until a successor is elected and qualified. The person
elected or retained at the election shall serve until the
expiration of the term for which his predecessor was elected.
No appointee, whether confirmed or unconfirmed, shall serve
past the term of his predecessor without standing for election.
(3) If an incumbent files for election and there is no election
contest for the office, the name of the incumbent shall
nevertheless be placed on the general election ballot to allow
the voters of the state or district to approve or reject him. If an
incumbent is rejected, the vacancy in the office for which the
incumbent is rejected, the vacancy in the office for which the

	plaction was hald shall be filled as presided in subsection (0)
	election was held shall be filled as provided in subsection (2).
	Section 9. Qualifications. (1) A citizen of the United States
	who has resided in the state two years immediately before
	taking office is eligible to the office of supreme court justice or
	district court judge if admitted to the practice of law in
	Montana for at least five years prior to the date of
	appointment or election. Qualifications and methods of
	selection of judges of other courts shall be provided by law.
	(2) No supreme court justice or district court judge shall solicit
	or receive compensation in any form whatever on account of
	his office, except salary and actual necessary travel expense.
	(3) Except as otherwise provided in this constitution, no
	supreme court justice or district court judge shall practice law
	during his term of office, engage in any other employment for
	which salary or fee is paid, or hold office in a political party.
	(4) Supreme court justices shall reside within the state.
	During his term of office, a district court judge shall reside in
	the district and a justice of the peace shall reside in the
	county in which he is elected or appointed. The residency
	requirement for every other judge must be provided by law.
	<b>Section 10. Forfeiture of judicial position.</b> Any holder of a
	judicial position forfeits that position by either filing for an
	elective public office other than a judicial position or
	absenting himself from the state for more than 60
	consecutive days.
	Section 11. Removal and discipline. (1) The legislature
	shall create a judicial standards commission consisting of five
	persons and provide for the appointment thereto of two
	district judges, one attorney, and two citizens who are neither
	judges nor attorneys.
	(2) The commission shall investigate complaints, and make
	rules implementing this section. It may subpoena witnesses
	and documents.
	(3) Upon recommendation of the commission, the supreme
	court may:
	(a) Retire any justice or judge for disability that seriously
	interferes with the performance of his duties and is or may
	become permanent; or
	(b) Censure, suspend, or remove any justice or judge for
	willful misconduct in office, willful and persistent failure to
	perform his duties, violation of canons of judicial ethics
	adopted by the supreme court of the state of Montana, or
	habitual intemperance.
	(4) The proceedings of the commission are confidential
	except as provided by statute.
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The Judicial Branch goals and objectives are based in the Montana Constitution and do not change from year-to-year. Based on the Montana Constitution, the fundamental goals and objectives of the Judicial Branch are:

To provide equal access to justice;

To provide justice without unreasonable delay;

To preserve judicial independence;

To provide excellence in service; and

To increase the public's trust and confidence in Montana Courts.