

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 20, 1985

The fifty-third meeting of the Senate Judiciary Committee was called to order on March 20, 1985, by Chairman Joe Mazurek in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF HB 803: Representative Ray Peck, sponsor of HB 803, stated the title of the bill tells the story. He has a little concern he wanted to address to the committee concerning page 1, lines 16-18. The intent is it would be \$25 per day. That is the fee for courts of record.

PROPOSERS: Pat Paul, Justice of the Peace in Cascade County, testified what this bill tries to do is make it equal to the district court. Whether it is a court of record or not, they are performing the same function for society. It is only fair they at least be paid equal to the district court. It should not be an undue burden to serve. Their jury trials last only one day. There are not that many trials in Montana. Jim Jensen, representing the Montana Magistrates Association, testified the fiscal impact on Missoula County for the first half of 1985, with the two courts combined, was \$1,931.71 in witness fees. Doubling that, the maximum would be about \$37,000 annually that it would cost the county. He thought most judges will continue to assess most of these fees back to those that can afford them.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Shaw asked if this would still be a tax increase to the taxpayers of the counties. Mr. Jensen replied yes. Judge Paul responded that at least in Cascade County, the answer to that question would be no, because when it comes budget time, they pad the budget for the number of jury trials they anticipate they will have for the year. They have that surplus in the budget because they seldom have those jury trials and that money is still there. They have always turned money back in because they have not met the anticipation of having those trials. Senator Daniels asked why they penalize the juror who gets excused. Judge Paul replied in most cases the juror is excused on his own motion, not because he could have called the day before and have been excused based on that. Very few jurors have shown

up and after being sworn were excused. Mr. Petesch pointed out that provision is the same for fees in district court. Senator Mazurek asked if they found that jurors generally know they can call in. Judge Paul replied most know. They are not really hard nosed about making people come sit.

CLOSING STATEMENT: None.

Hearing on HB 803 was closed.

CONSIDERATION OF HB 481: Representative Ray Brandewie, sponsor of the bill, stated he is carrying the bill at the request of Judge Michael Keedy. The purpose of this bill is on the page back. It would prevent attorneys in a case from referring to the potential sentence that could be imposed should somebody be convicted of the crime with which they are charged. The only legitimate purpose of the jury is to determine the guilt or innocence of the party being accused of a crime.

PROPOSERS: Michael Keedy, 11th Judicial District Judge in Flathead County, testified he would rely on the self-explanatory nature of the bill itself and Representative Brandewie's explanation to speak for the most part. The judge can admonish counsel. Consistent with that admonition on page 3, there would be stricken one of the for cause challenges that a juror has a belief that a penalty fixed by law is too severe for the offense. That is needed in keeping with new section 1. The two sections of the bill are needed for the sake of internal consistency. There is an important distinction between the role of the jury and the role of the judge in a jury trial. The jury plays no part in sentencing determinations. They are left exclusively to the judge. The jury's determination should be based on fact and not on the possible outcome.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Daniels asked how this statute is going to work in a capital case. Will you be able to inquire about the juror's attitude to the death penalty. Judge Keedy replied you would be prohibited. The jury does not play any role even in a capital case. That is left to the discretion of the judge. Senator Blaylock asked if a juror could be answered if he asked what penalty would be given if the person were found guilty. Judge Keedy replied no. It would be a rare circumstance where a prospective juror would volunteer that question. Senator Crippen stated he has seen movies and court cases where the defense counsel will in his summation or introductory remarks refer to whether you are going to send these two young fellows to the gallows. He asked if that would be prohibited. Judge Keedy responded yes.

Senator Crippen stated when the jury is deliberating on murder one, they probably have a pretty good idea you can hang them or inject them until they are dead. He doesn't really see the need for the bill. You are telling the jury information they already know. The judge always has the leeway of cautioning both the defense and prosecution from making inflammatory remarks. Withholding that information from the jury is to say you can judge us but you can't know what the punishment is going to be. In a real sterile sense of the word, that is as far as we need to go, but he submitted we are not dealing in sterility. It is a case where the responsibility and the burden of proof lie solely on the prosecuting attorney and unless the defense attorney throws out false information or does something ethically he cannot do, then you need to do more to convince him you cannot say in summation the penalty is death. Judge Keedy responded if he could treat Senator Crippen's concern as a regard and concern that in serious cases involving capital offenses the jury will engage in a certain amount of speculation and conjecture, he agrees there is no effective way to prevent that kind of discussion by jurors. The bill would not prevent that. What it does is prohibit and give the judge the authority he needs to prohibit is reference to sentencing provisions during the trial. In his opinion, that is contrary to the function and purpose of the jury and the responsibility the jury has in rendering a verdict on the basis of the facts and not on the basis of what the sentence will be. Senator Galt asked how the prospective juror would get across if he is a conscientious objector to the death penalty. He asked how that question could be asked. Judge Keedy state his answer to Senator Daniels' earlier question is there is another provision in capital cases in which the death penalty could be invoked. The prospective juror apparently could be questioned about the death penalty. Those are very restrictive and unusual situations where the death penalty is involved. Senator Crippen asked if there were any time in instructions to the jury where the jury can find in a degree of crime it was a misdemeanor how are you going to know what a misdemeanor is unless you know what the penalty is. Judge Keedy replied you are talking about a lesser included offense. In that situation it would be proper for the court to instruct a jury that if they find certain facts and not others, they can find the person guilty of that. The jury would be told which facts substantiate what facts would be required. He does not believe it would be helpful to tell them what the fines would be. Senator Mazurek asked if it would be appropriate if the committee did not want to prohibit any reference to authorize a complete explanation of the full range of sentencing possibilities by the judge. Judge Keedy replied he would encourage the committee to consider the bill as it had been presented. If there is a substantial amount of opposition to its present form, he would reluctantly rather see it killed. He thinks we are getting carried away by trying to explain what all of the range of possibilities are from the

purpose of the jury. If the legislature is interested in getting involved in determining what the sentence is, we should change the clear-cut authority between the judge and the jury.

CLOSING STATEMENT: Representative Brandewie stated all of the cases we are talking about are capital cases. This bill would address a problem. The legislature reserves unto themselves the responsibility for determining what range of sentences are available. We haven't given that to the jury. The jury's responsibility is to determine guilt or innocence based on the information received at trial.

Hearing on HB 481 was closed.

CONSIDERATION OF HB 585: Representative Bud Gould, sponsor of HB 585, testified this bill brings the slightest amount of fairness into the sentence review process. We can work with it for two years and then look at it in the 1987 session to see if it should be left as it is. "Entitled to deference" is a little softening of "presumed correct." He wanted to amend this bill so county attorneys could do the same thing if they felt the sentence were too light. It was his feeling that probably wouldn't stand constitutional muster.

PROPOSERS: Michael Keedy, District Judge in Flathead County, stated there are two main provisions in this bill. The first would make it clear that anyone associated with a case brought to the attention of the Sentence Review Board is entitled to attend the review board hearing and participate. This would include victims and the county attorney who prosecuted the case. It would include the sentencing judge. The other part of the bill would attach what would be looked upon as a presumption of correctness to the sentencing judge's sentence. The judge who sentences an offender presides at a trial that results in a defendant's conviction or at a guilty plea colloquy. The judge is required by law and in good conscience must find at a guilty plea hearing there is a sufficient factual basis to support the plea, and he is doing so voluntarily and that the offender pleading guilty has a full understanding of the potential consequences. As a result of the trial, the judge is fully informed as to the facts and circumstances surrounding the case. He can also get a presentence report prior to the sentencing hearing. Friends and relatives may attend and offer testimony. The county attorney may call the victim and others to testify. The judge is fully informed and in the best position to make a sentence. Because the sentencing judge has a much better view and vantage point, it is felt by the House Judiciary Committee that a presumption of correctness ought to apply. It would still be incumbent upon the offender to prove there was something improper or out of bounds with the sentence imposed by the sentencing judge. That is in keeping with the concept of sentence

review. Mark Murphy, Assistant Attorney General assigned to the County Prosecutors Service Bureau, supported the bill for a number of reasons. The Sentencing Guidelines Commission bill does not appear it will pass. The importance of definite guidelines for the Sentence Review Board become much more important. In this particular case, the clear and convincing evidence standard and the entitled to deference reference tell the Sentence Review Board that until they find sufficient evidence to overturn a sentence, that sentence is correct. This will force the Sentence Review Board to look at their standards. It will also force the division to take a look at all sentences to see if the sentence is out of line. It will ensure a much stronger standard of review for the Sentence Review Board. It will also require that their decision be recorded in writing so we can look at it and know why they are changing sentences. It will be another mini-sentencing hearing. Some judges transcribe all of their plea colloquys and sentencing hearings to make that information available to the Sentence Review Board.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Pinsoneault stated he liked the bill but wanted to know where the notice came in. Mr. Murphy answered that related to committee rules. There is a provision in the division's rules that requires notice to certain parties. Senator Crippen addressed Mr. Murphy and stated he thought this was a good middle ground. He smiles when he sees the word "deference." Was it the intent of the House to to make a presumption? Mr. Murphy responded they felt presumed correct is a very high standard. They wanted a lower standard. Senator Crippen asked if when they talked about interested persons were they talking about parents of the deceased young lady or that type of people. Mr. Murphy replied he thought they were included in their ability to testify, but not in the notice. The notice will extend primarily to county attorneys and judges. Senator Mazurek questioned whether the term "interested party" were clear enough. He asked if this would allow some group that was opposed to imprisonment to appear at every hearing. He asked if it should be refined to say a legitimate interest in this particular case. Mr. Murphy stated you are familiar with the process. If they once were fooled by someone who wanted to use the hearing as a podium, they would cut that off and not let it happen again. If the judge decides your evidence is not relevant to the case, you will not be able to attend. He didn't think the division would put up with that kind of testimony. Mr. Petesch pointed out the rules of the Sentence Review Division provide for notice to any person who has requested notice. He assumed that is who the interested people are so he does not believe it needed to be defined. Senator Blaylock asked who decided it was clear and convincing evidence? Mr. Murphy replied the Sentence Review Board. The rules provide at this point some indication of what

type of evidence is appropriate. You will look at the evidence presented to the sentencing judge. Senator Blaylock asked if there were statistical evidence that the Sentence Review Board has been changing these without clear and convincing evidence. Mr. Murphy replied there is little reported as to their reasoning for changing sentences. This will ensure that what the legislature wants done in sentence review is being done.

CLOSING STATEMENT: None.

Hearing on HB 585 was closed.

CONSIDERATION OF HB 586: Representative Bud Gould, sponsor of HB 586, testified it was a simple bill. He then asked Curt Chisholm to make any remarks he felt were necessary.

PROPOSERS: Curt Chisholm, Deputy Director of the Department of Institutions, testified this bill was sponsored at their request. They have been dealing with the issue of contraband for a number of years by virtue of policy enforcement, but their policy has been subject to a lot of challenges. They have modeled this law after Virginia's, which has endured many court challenges of constitutionality. They provide for a safer environment for rehabilitation. Contraband is defined by policy as anything not allowed by policy. This gives them the ability to dispose of it. This is critically needed statutory authority to deal with this problem.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Crippen stated he liked the bill. He asked if something like a Playboy calendar would be considered contraband. Mr. Chisholm responded he was not sure. He thought that would be a policy decision the warden made based on court challenge. Some things you would probably say are not a security challenge do appear on the list. They do not want to allow predatory things, so some could gain power over others. It could become a property acquisition issue that could allow the prisoner to gain a power base. Senator Mazurek asked if they had a procedure or internal policy for sales. Mr. Chisholm responded they will have to develop a policy. They do not have one now because they have never had the authority to deal with this. Senator Towe pointed out the definition of contraband is not spelled out in this bill. He asked if their authority to define contraband were spelled out in some other statute so they would not be caught without one. Mr. Chisholm responded he did not think they needed authority. If they have a reference in the law that they can confiscate, they have authority by internal rule to define it. Senator Towe questioned

whether they were concerned this required them to sell all contraband. He presumed they did not have to sell it all. Mr. Chisholm responded that is correct.

CLOSING STATEMENT: None.

Hearing on HB 586 was closed.

ACTION ON HB 586: Senator Crippen moved HB 586 be recommended BE CON-
CURRED IN. The motion carried unanimously.

CONSIDERATION OF HB 587: Representative Bud Gould, sponsor of HB 587, stated hopefully this bill will relieve a few people at Montana State Prison and then turned the hearing over to Mr. Chisholm.

PROPOSERS: Curt Chisholm, Deputy Director of the Department of Institutions, testified in February 1985, the governor received a letter asking for legislation which would allow for transfer under reciprocal agreements and give Montana authority to transfer a foreigner to serve his sentence in his own country. We were unsure that the receiving country would ensure us the person would serve his whole sentence. On the receiving end, the United States could receive United States citizens. Those prisoners would go into the federal prison system. The governor asked that this bill be sponsored.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Crippen stated he liked the idea. If the prisoner that is leaving our prison has to fulfill his sentence, he asked how they would handle the parole requirement. Mr. Chisholm replied he believed the foreign country would utilize our parole provisions. He was not sure but he believed we would insist they receive credit for good time. Senator Crippen asked if one of our prisoners came back from Turkey and appealed his conviction over there alleging the evidence and facts surrounding the trial denied them equal protection, could that be done or would it have to be done under the laws of the foreign nation that transferred that person? Mr. Chisholm commented he doubted it could be done. The prisoner would waive any problems he could create when he transferred out. Senator Towe asked if we were likely to pick up any financial responsibility. Mr. Chisholm replied no. That would be an expense of the federal system.

CLOSING STATEMENT: None.

Hearing on HB 587 was closed.

ACTION ON HB 587: Senator Daniels moved HB 587 be recommended BE CON-
CURRED IN. The motion carried unanimously.

CONSIDERATION OF HB 799: Representative Mel Williams, sponsor of
HB 799, testified this bill revises laws concerning municipal and city
courts. The jurisdictional dollar amount in city courts is raised to
\$2,500. This increase applies only within the areas of exclusive
jurisdiction of city courts. It allows city councils to create the
position of clerk of city court. It allows city judges to perform
weddings. It allows municipal judges to enforce the law requiring
motorists to have liability insurance coverage.

PROPOSERS: Judge Pat Paul, on behalf of the Magistrates Association,
testified they supported the bill.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Towe asked Representative Williams
to comment on the change in the jurisdiction amount. Representative
Williams replied due to inflation and due to the fact justice court
jurisdiction has been raised to \$3,500, it is only fair. Senator Towe
asked how he explained jurisdiction. Can anyone with a dispute under
\$2,500 come to your court. Judge Paul replied he believes that is in
relation to tax assessments. Senator Towe stated it appears page 2,
lines 13-14, expand the justice court jurisdiction for any claim.
Senator Mazurek stated it applies only to those enumerated subsections.

CLOSING STATEMENT: None.

Hearing on HB 799 was closed.

ACTION ON HB 799: Senator Blaylock moved HB 799 be recommended BE
CONCURRED IN. The motion carried unanimously.

CONSIDERATION OF HB 889: Representative Mel Williams, sponsor of
HB 889, presented written testimony in support of the bill (Exhibit 1).

PROPOSERS: Judge Pat Paul, on behalf of the Montana Magistrates
Association, testified they support the bill. They feel the fee in-
crease is justified with the increased cost of doing business. Jim
Jensen, representing the Montana Magistrates Association, pointed out
there are additional revenues in this bill for the counties which are
required to be credited to the budget of the justice courts. Missoula
County is the only county that does not generate enough cost to pay for
the court.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Mazurek stated he was confused by section (3). He asked if (3) was inconsistent with (4). Mr. Jensen stated that question was also raised in the House Judiciary Committee. Staff counsel did not believe it was inconsistent. It was added in that way because they were trying not to restrict the judge, but to allow more discretion for him for good cause. It is purely discretionary. Senator Towe stated the judge can extend the trial for three days without a reason, but with a reason, he can extend it for four months. Senator Mazurek pointed out there is no standard whatsoever for three days. He asked if he would say if in addition to all of the above, you can extend it. Judge Paul responded as a practical matter in Cascade County, they don't pay attention to this section because it is impossible to work their schedule around it. Senator Mazurek asked how he would feel if they put a period after "postpone the trial" and leave it to the discretion of the judge. Judge Paul replied he would like that. Senator Towe asked if there would be a problem with that. Are we losing anything if we do that? Would it create a hardship on someone else? Judge Paul replied the other three sections are a hardship. He didn't think too many other judges are aware of this section and are following it, so it shouldn't bother anyone if it were changed. It is still their responsibility to keep the cases going and set the trials. Representative Williams stated in the judgment of the judges he has talked to and the House committee, he feels it is sufficient the way it is written.

CLOSING STATEMENT: Representative Williams stated if you make those amendments, you are changing the current law and it should be consistent with the title.

Hearing on HB 889 was closed.

ACTION ON HB 889: Senator Towe moved HB 889 be amended as follows:

1. Page 2, line 25.
Following: "trial"
Strike: ":"
2. Page 3, lines 1 through 9.
Strike: line 1 through "(4)" on line 9

He stated what that means is the judge can postpone the trial for not exceeding four months for good cause. That would make it consistent with the criminal statute which allows the same. Senator Daniels commented he thought it was a marvelous amendment, especially in view of the fact it is amending a statute no one reads anyway. The motion to amend carried unanimously. Senator Towe moved HB 889 be recommended BE CONCURRED IN AS AMENDED. The motion carried with Senator Shaw voting in opposition.

FURTHER CONSIDERATION OF HB 310: Proposed amendments were distributed to the committee (Exhibit 2). Senator Mazurek explained these amendments would reinsert the ability to get a temporary restraining order (TRO) from a justice of the peace. Mr. Petesch explained the first two are Senator Crippen's suggestions. The third reinserts justice and municipal courts and provides you could deny the petition because the person has fled the home. The fourth is language we came up with for review by the district court. Senator Towe asked if we needed to then add that it is subject to hearing or the judge may set it for hearing if he so chooses. Senator Pinsoneault suggested it not be complicated. This is simple. It can be done in chambers. Mr. Petesch pointed out you can remove it immediately to district court. If a dissolution or separation proceeding is filed while the order is in effect, or if a petition which has been filed is voluntarily dismissed, jurisdiction is removed. Senator Towe suggested that a section 8 be added stating any case brought by Section 40-4-103, MCA, may be removed to district court. He stated he would talk further with Mr. Petesch about this.

FURTHER CONSIDERATION OF HB 585: Senator Daniels stated you might as well abolish it. You are increasing the time the criminal will be in court. Chairman Mazurek stated since it appears the bill may need some technical changes, it will be further considered at a later date.

ACTION ON HB 803: Senator Pinsoneault asked if city courts were included in this bill. Mr. Petesch responded courts not of record. Senator Pinsoneault stated you are increasing the cost, and they don't have much money. Senator Mazurek stated he suspects in those courts, most of those are criminal cases. Senator Pinsoneault commented it is the people's court and he has a great amount of faith in the way it functions. Senator Daniels moved HB 803 be recommended BE NOT CONCURRED IN. It is a burden upon cities with limited budgets. In small towns, people consider it an honor to be able to serve on the jury. Senator Towe pointed out we had a bill we did pass that will increase the fees these same courts will get from filing and the fees they already receive more than offset the costs. The motion failed with Senators Daniels, Mazurek, and Pinsoneault voting in favor. Senator Towe moved HB 803 be recommended BE CONCURRED IN. The motion carried with Senator Pinsoneault voting in opposition.

ACTION ON HB 481: Senator Galt moved HB 481 be tabled. Senator Daniels moved as a substitute motion HB 481 be recommended BE NOT CONCURRED IN. The motion carried with Senators Brown and Mazurek voting in opposition.

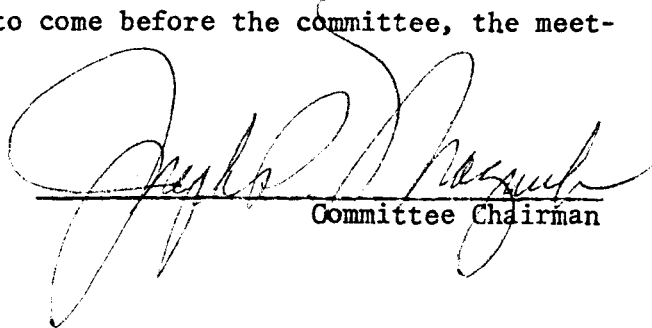
FURTHER CONSIDERATION OF HB 700: Senator Pinsoneault stated he supported the bill because it puts the law like it was before the supreme court case. Senator Towe stated he had some problems with it. He had

no problem if you want to strike the language on page 1, "if a judge does not impose" That's the bill. Senator Pinsoneault moved HB 700 be recommended BE CONCURRED IN. What it does now is you allow the defendant to go in and he works out an agreement with the judge and the judge looks at it and asks for a presentence report and will not concur. After all of that, then the defendant says if you will not accept my bargain, I will withdraw my plea. If you didn't buy my plea, then I am going to start all over again. To suggest what do you have to lose, that is not true. How about a child molester case? There is no way that type of a case would be tried before a jury. He thinks you should have one chance, and if the judge approves, that's great. Otherwise, it's just prolonging the process. Mr. Petesch pointed out a potential constitutional problem had been raised. Senator Pinsoneault withdrew his motion in order that the bill might be further studied.

TABLING OF HB 712: Senator Towe moved HB 712 be TABLED. The reason is he really thinks there are some priority problems and some reasons we cannot include and protect everybody in the world. This is a really good reason for a study. Senator Pinsoneault agreed with Senator Towe's comments. Mr. Petesch pointed out there were two proposed sets of amendments. The motion carried with Senator Galt voting in opposition.

FURTHER CONSIDERATION OF HB 340: Proposed amendments were distributed to the committee (Exhibit 3). Senator Towe moved adoption of the amendments, which motion carried unanimously. Senator Pinsoneault suggested an amendment to add before he turns the property over, he is entitled to these payments. The landlord wouldn't have any leverage without this, as many are handled by the landlord and tenant themselves. Mr. Petesch pointed out you have a conclusive presumption of abandonment. Senator Towe asked if you do transfer with that right. Mr. Petesch stated the writ is if the tenant removes the property. Senator Towe agreed with his point. Mr. Petesch stated he would look at this.

There being no further business to come before the committee, the meeting was adjourned at 12:08 p.m.


Committee Chairman

ROLL CALL

SENATE JUDICIARY

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 032085

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Bruce D. Crippen	X		
Senator Jack Galt	X		
Senator R. J. "Dick" Pinsoneault	X		
Senator James Shaw	X		
Senator Thomas E. Towe	X		
Senator William P. Yellowtail, Jr.	X		
Vice Chairman Senator M. K. "Kermit" Daniels	X		
Chairman Senator Joe Mazurek	X		

SENATE AND HOUSE COMMITTEE

Tudiciary

BILL

HB 481

DATE *Mar 20, 1985*

SPONSOR

Grandjean et al.

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

SENATE AND HOUSE COMMITTEE

Judiciary

BILL

HB 585

DATE

3/20

SPONSOR

Don C. others

NAME

REPRESENTING

RESIDENCE

SUPPORT

OPPOS

Michael J. Keck11th Judicial Dist. FallsburgXMark D. MurphyMCKAHELENAX

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HB 889 Explanation -- Representative J. Melvin Williams

House Bill 889 does three things.

First, in Section 1, sub 2 (page 1, lines 22 through line 1, page 2) the fees for services by court constables are raised to the same level as those currently charged by sheriff's deputies. The reason is they both perform the same services, so should charge the same fee.

Second, Section 2 (page 2, line 2) raises the civil action fees in Justice Courts from \$7.50 to \$10.00. It also eliminates the \$1 fee currently charged for issuance of writs of execution or attachment. The reason for this is that most of these writs are issued after a default is entered; and under current statutes those are entered free of charge. So, the few others, out of a sense of fairness, ought to be free too.

Third, Section 3 (page 3, line 9) allows a judge to postpone a civil trial for four months, the same as it is for criminal trials now. The current 3-day limit is simply unworkable with today's caseloads.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 032085
BILL NO. HB 889

AMENDMENTS TO HB 310:

1. Page 7, line 4.

Following: "40-4-106"

Insert: ", and uniform sample affidavits and orders of inability to pay filing fees or other costs"

2. Page 7, line 5.

Following: "order"

Insert: "and the inability to pay filing fees order"

3. Page 7, line 12 through page 8, line 6.

Reinsert: stricken language

Renumber: subsequent sections

4. Page 8, line 7.

Following: line 6

Insert: "Section 7. Review by district court. An order issued by a municipal court or justice court pursuant to 40-4-106(3) is reviewable by the judge of the district court at chambers. The district judge may affirm, dissolve, or modify an order of a municipal court or justice court made pursuant to 40-4-106(3)."

Renumber: subsequent sections

5. Page 8, line 9.

Following: "judge"

Insert: "justice of the peace, or municipal court judge"

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 2

DATE 032085

BILL NO. HB 310

PROPOSED AMENDMENT TO HB 340:

Page 4, line 19.

Following: "rent"

Insert: "or damages"

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 3

DATE 032085

BY HB 340

STANDING COMMITTEE REPORT

March 29

1935

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 431

third reading copy (blue)
color

(Senator Mazurek)

MENTIONING SENTENCE TO JUDGES; NO CHALLENGE FOR BELIEF ITS TOO SEVERE

Respectfully report as follows: That HOUSE BILL No. 431

BE NOT CONCURRED IN

~~DO NOT PASS~~

~~DO NOT PASS~~

Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

March 20

19 35

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 586

third reading copy (blue)
color

(Senator Crippen)

CONFISCATE AND DISPOSE OF INMATES' CONTRABAND

Respectfully report as follows: That HOUSE BILL No. 586

BE CONCURRED IN

~~EXCERPT~~

~~EXCERPT~~

Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

March 20

1935

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 587

third reading copy (blue)
color

(Senator Crippen)

TRANSFER OF PRISONER TO COUNTRY HE IS A CITIZEN OF

Respectfully report as follows: That HOUSE BILL No. 587

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

March 20

19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 799

third reading copy (blue)
color

(Senator Blaylock)

GENERALLY REVISING LAWS CONCERNING MUNICIPAL AND CITY COURTS

Respectfully report as follows: That HOUSE BILL No. 799

BE CONCURRED IN

HOUSE

DO NOT PASS

Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

March 20 19 35

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 303

third reading copy (blue)
color

(Senator Towe)

CONFORM JUROR/WITNESS FEES OF CRT. NOT OF RECORD TO THOSE OF COURT
OF RECORD

Respectfully report as follows: That HOUSE BILL No. 303

BE CONCURRED IN

~~HOUSE~~

~~HOUSE~~

Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

March 20

19 35

MR. PRESIDENT

We, your committee on.....**JUDICIARY**.....

having had under consideration.....**HOUSE BILL**..... No. **339**.....

third reading copy (**blue**)
color

(Senator Towe)

GENERALLY REVISING LAWS CONCERNING JUSTICES' COURTS

Respectfully report as follows: That.....**HOUSE BILL**..... No. **339**.....

be amended as follows:

1. Page 2, line 25.

Following: "trial"

Strike: ":",

2. Page 3, lines 1 through 9.

Strike: Line 1 through "(4)" on line 9

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~
DO PASS

~~XXXXXXXXXX~~
DO NOT PASS

Senator Joe Mazurek

Chairman.