

House BILL NO. 229

INTRODUCED BY

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A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 11-1601, 11-1602 AND 93-411 TO REDESIGNATE POLICE COURTS AND POLICE JUDGES AS CITY COURTS AND CITY JUDGES AND TO PROVIDE FOR THE JURISDICTION OF CITY COURTS."

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

Section 1. Section 11-1601, R.C.M. 1947, is amended to read as follows:

"11-1601. Police City court established. A police city court is established in each city or town, which court must always be open, except upon nonjudicial days, and upon such days it may transact criminal business only."

Section 2. Section 11-1602, R.C.M. 1947, is amended to read as follows:

"11-1602. Jurisdiction of police city courts. The police city court has concurrent jurisdiction with the justice justices' court of the peace of the following public offenses committed within the county:

(1) Theft where the value of the stolen property does not exceed one hundred fifty dollars (\$150);

(2) Assault and battery, not charged to have been committed upon a public officer in the discharge of his

official duty, or with intent to kill;

(3) Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars (\$500), or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, under the following conditions:

(4) Proceedings respecting vagrants, lewd, or disorderly persons. Such offenses must be prosecuted in the name of the state of Montana;

(5) Possession of beer or liquor by persons under the age of eighteen (18) years in violation of section 94-35-106;

(6) Selling, giving away or disposing of intoxicating liquor to minors in violation of section 94-35-106;

The police court shall have no jurisdiction of any civil cause, except as otherwise provided by law

(1) Any action charging the commission of an offense within the city or town limits in violation of a city or town ordinance shall be brought in the name of the city or town as the plaintiff and against the accused as the defendant.

(2) Any other action brought for violation of a state law within the city shall be brought in the name of the state of Montana as the plaintiff and against the accused as the defendant.

1 (3) Application for search warrants and complaints
2 charging the commission of a felony may be filed in the city
3 or town court and when they are so filed the city judge
4 shall have the same jurisdiction and responsibility as a
5 justice of the peace, including the holding of a preliminary
6 hearing. The city attorney may file an application for a
7 search warrant or a complaint charging the commission of a
8 felony when the offense was committed within the city
9 limits. The county attorney, however, must handle any
10 action after a defendant is bound over to district court."

11 Section 3. Section 93-411, R.C.M. 1947, is amended to
12 read as follows:

13 "93-411. Police City courts. Police City courts are
14 established in incorporated cities and towns, and their
15 organization, jurisdiction, and powers are provided for in
16 Title 11. Police court is hereby renamed city court and all
17 references to police court or police judges in sections of
18 the Revised Codes of Montana shall be considered amended to
19 read city court, or city judge."

-End-

Approved by Committee
on Judiciary

HOUSE BILL NO. 229

INTRODUCED BY JAMES MOORE, FINLEY

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(2) Assault and battery not charged to have been

committed upon a public officer in the discharge of his official duty, or with intent to kill;

(3) Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars (\$500), or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, under the following conditions:

(4) Proceedings respecting vagrants, lewd, or disorderly persons. Such offenses must be prosecuted in the name of the state of Montana;

(5) Possession of beer or liquor by persons under the age of eighteen (18) years in violation of section 94-35-106.2;

(6) Selling, giving away or disposing of intoxicating liquor to minors in violation of section 94-35-106.

The police court shall have no jurisdiction of any civil cause, except as otherwise provided by law;

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21 (2) THERE SHALL BE AN ANNUAL TRAINING SESSION FOR ALL
 22 ELECTED AND APPOINTED JUDGES. THIS TRAINING SESSION, WHICH
 23 MAY BE HELD IN CONJUNCTION WITH THE MONTANA MAGISTRATES'
 24 ASSOCIATION CONVENTION, SHALL BE SUPERVISED BY THE SUPREME
 25 COURT. MILEAGE AND PER DIEM SHALL BE PAID THE ELECTED OR

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"11-1602. Jurisdiction of police city courts. The police city court has concurrent jurisdiction with the justice justices' court of the peace of the following public offenses committed within the county:

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~~{2}-Assault and battery not charged to have been~~

~~committed upon a public officer in the discharge of his official duty, or with intent to kill;~~

~~{3}-Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars (\$500), or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, under the following conditions:~~

~~{4}-Proceedings respecting vagrants, lewd, or disorderly persons. Such offenses must be prosecuted in the name of the state of Montana;~~

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20 read city court, or city judge.

21 (2) THERE SHALL BE AN ANNUAL TRAINING SESSION FOR ALL
22 ELECTED AND APPOINTED JUDGES. THIS TRAINING SESSION, WHICH
23 MAY BE HELD IN CONJUNCTION WITH THE MONTANA MAGISTRATES'
24 ASSOCIATION CONVENTION, SHALL BE SUPERVISED BY THE SUPREME
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23 ~~not exceed one hundred fifty dollars (6159);~~

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1 ~~committed upon a public officer in the discharge of his~~
2 ~~official duty, or with intent to kill;~~

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