

CHAPTER NO. 466

SENATE BILL NO. 468

INTRODUCED BY STIMATZ, GALT

IN THE SENATE

February 12, 1979	Introduced and referred to Committee on Judiciary.
February 17, 1979	Committee recommend bill do pass as amended. Report adopted.
February 19, 1979	Printed and placed on members' desks.
February 20, 1979	Second reading, do pass.
February 21, 1979	Considered correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 23, 1979	Introduced and referred to Committee on Judiciary.
March 19, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 20, 1979	Second reading, concurred in.
March 23, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 24, 1979	Returned from second house. Concurred in as amended.
March 26, 1979	Second reading, pass consideration until 3-28-79.

March 28, 1979

Second reading, amendments
adopted.

March 29, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 Senate BILL NO. 468
 2 INTRODUCED BY Donna Kalk
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 5 LAWS RELATING TO COURTS OF LIMITED JURISDICTION; AMENDING
 6 SECTIONS 3-1-101, 3-1-523, 3-5-303, 3-10-203, 3-11-204,
 7 3-15-701, 3-15-704, AND 25-10-105, MCA; REPEALING SECTIONS
 8 3-12-101 THROUGH 3-12-106, 3-12-201 THROUGH 3-12-203,
 9 25-34-101 THROUGH 25-34-105, 25-34-201 THROUGH 25-34-208,
 10 25-34-301 THROUGH 25-34-303, AND 25-34-401 THROUGH
 11 25-34-404, MCA."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 3-10-203, MCA, is amended to read:
 15 "3-10-203. Orientation course -- annual training. (1)
 16 The university of Montana law school, under the supervision
 17 of the supreme court, shall present a course of study as
 18 soon as is practical following each general election.
 19 Mileage and per diem and the costs of registration and books
 20 and other materials shall be paid to the elected or
 21 appointed justice of the peace for attending the course by
 22 the county in which he holds or will hold court and shall be
 23 a proper charge charged against the that county wherein the
 24 justice of the peace will hold court.

25 (2) There shall be on two mandatory annual training

1 session sessions supervised by the supreme court for all
 2 elected and appointed justices of the peace. This One of
 3 the training sessions--which sessions may be held in
 4 conjunction with the Montana magistrates' association
 5 convention--shall be supervised by the supreme court.
 6 Mileage and per diem and the costs of registration and books
 7 and other materials shall be paid to the elected or
 8 appointed justice of the peace for attending the course
 9 sessions by the county in which he holds or will hold court
 10 and shall be a proper charge charged against the that county
 11 wherein the justice holds court.

12 (3) Each justice of the peace shall attend the
 13 training sessions provided for in subsection (2). Failure to
 14 attend disqualifies him from office and creates a vacancy in
 15 the office. However, the supreme court may excuse a justice
 16 of the peace from attendance because of illness, a death in
 17 the family, or any other good cause."

18 Section 2. Section 3-11-204, MCA, is amended to read:
 19 "3-11-204. Training session sessions for judges. (1)
 20 There shall be on two mandatory annual training session
 21 sessions supervised by the supreme court for all elected and
 22 appointed city judges. This One of the training sessions
 23 which sessions may be held in conjunction with the Montana
 24 magistrates' association convention--shall be supervised by
 25 the supreme court. Mileage and per diem and the costs of

1 ~~registration and books and other materials~~ shall be paid to
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6 ~~(2) Each city judge shall attend the training~~
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11 NEW SECTION. Section 3. Contempts a city judge may
 12 punish for. A city judge may punish for contempt persons
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14 (1) disorderly, contemptuous, or insolent behavior
 15 toward the judge while holding the court tending to
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18 (2) a breach of the peace, boisterous conduct, or
 19 violent disturbance in the presence of the judge or in the
 20 immediate vicinity of the court held by him tending to
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23 (3) disobedience or resistance to the execution of a
 24 lawful order or process made or issued by the judge;

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1 to be sworn or to answer as a witness;

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 3 an officer by virtue of an order or process of the court.

4 NEW SECTION. Section 4. City or town to provide
 5 facilities. The governing body of the city or town in which
 6 the judge has been elected or appointed shall provide for
 7 the judge:

8 (1) the office space, courtroom, and clerical
 9 assistance necessary to enable him to perform his duties in
 10 dignified surroundings;

11 (2) the books, records, forms, papers, stationery,
 12 postage, office equipment, and supplies necessary for the
 13 proper keeping of the records and files of the judicial
 14 office and the transaction of business;

15 (3) one copy of the latest edition of the Montana Code
 16 Annotated and all official supplements thereto or immediate
 17 access to the code and supplements.

18 Section 5. Section 3-1-101, MCA, is amended to read
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 20 following are courts of justice of this state:

21 (1) the court of impeachment, which is the senate;

22 (2) the supreme court;

23 (3) the district courts;

24 (4) the justices' courts;

25 (5) the city courts and such other inferior courts of

1 limited jurisdiction as the legislature may establish in any
2 incorporated city or town."

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5 The judgment and orders of the court or judge made in cases
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7 but the action of a district court or judge can be reviewed
8 on a writ of certiorari by the supreme court or a judge
9 thereof and the action of a justice of the peace or other
10 inferior court of limited jurisdiction by the district court
11 or judge of the county in which such justice or judge of
12 such inferior court of limited jurisdiction resides."

13 Section 7. Section 3-5-303, MCA, is amended to read:

14 "3-5-303. Appellate jurisdiction. The district court
15 has appellate jurisdiction in such cases arising in
16 justices' courts and other inferior courts of limited
17 jurisdiction in their respective districts as may be
18 prescribed by law and consistent with the constitution."

19 Section 8. Section 3-15-701, MCA, is amended to read:

20 "3-15-701. When and by whom jurors summoned. When
21 jurors are required in any ~~of-the-justices'-courts~~ justice's
22 ~~or in any city court or any other inferior court of limited~~
23 jurisdiction, they must, upon the order of the justice or of
24 the judge thereof, be summoned by the sheriff, constable,
25 marshal, or policeman of the jurisdiction."

1 Section 9. Section 3-15-704, MCA, is amended to read:

2 "3-15-704. Forming jury. At the time appointed for a
3 jury trial in ~~justices', a justice's or city, court or any~~
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5 list of jurors summoned, which shall be 12 or double the
6 number agreed upon before the trial by the parties, must be
7 called. The names of those attending and not excused must be
8 written upon separate slips of paper, folded so as to
9 conceal the names, and placed in a box from which the trial
10 jury must be drawn."

11 Section 10. Section 25-10-105, MCA, is amended to
12 read:

13 "25-10-105. Costs of review other than by appeal. When
14 the decision of a court of inferior limited jurisdiction in
15 a special proceeding is brought before a court of higher
16 jurisdiction for a review in any other way than by appeal,
17 the same costs must be allowed as in cases on appeal and may
18 be collected by execution or in such manner as the court may
19 direct, according to the nature of the case."

20 Section 11. Repealer. Sections 3-12-101 through
21 3-12-106, 3-12-201 through 3-12-203, 25-34-101 through
22 25-34-105, 25-34-201 through 25-34-208, 25-34-301 through
23 25-34-303, and 25-34-401 through 25-34-404, MCA, are
24 repealed.

25 Section 12. Codification. Sections 3 and 4 are

LC 0997/01

1 intended to be codified as an integral part of Title 3,
2 chapter 11, and the provisions contained in Title 3, chapter
3 11, apply to sections 3 and 4.

-End-

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A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO COURTS OF LIMITED JURISDICTION; AMENDING SECTIONS 3-1-101, 3-1-523, 3-5-303, 3-10-203, 3-11-204, 3-15-701, 3-15-704, AND 25-10-105, MCA;--REPEALING--SECTIONS 3-12-101--THROUGH--3-12-106--3-12-201--THROUGH--3-12-203-- 25-34-101--THROUGH--25-34-105--25-34-201--THROUGH--25-34-208-- 25-34-301--THROUGH--25-34-303--AND--25-34-401--THROUGH 25-34-404--MCA."

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"3-10-203. Orientation course -- annual training. (1) The university of Montana law school, under the supervision of the supreme court, shall present a course of study as soon as is practical following each general election. Mileage and per diem and the costs of registration and books and other materials shall be paid to the elected or appointed justice of the peace for attending the course by the county in which he holds or will hold court and shall be a proper charge charged against the that county wherein the justice of the peace will hold court.

(2) There shall be on two mandatory annual training

~~session sessions supervised by the supreme court~~ for all elected and appointed justices of the peace. ~~This One of~~ the training sessions--which sessions may be held in conjunction with the Montana magistrates' association convention--~~shall be supervised by the supreme court.~~ Mileage and per diem and the costs of registration and books and other materials shall be paid to the elected or appointed justice of the peace for attending the course sessions by the county in which he holds or will hold court and shall be a proper charge charged against the that county wherein the justice holds court.

(1) Each justice of the peace shall attend the training sessions provided for in subsection (2). Failure to attend disqualifies him from office and creates a vacancy in the office. However, the supreme court may excuse a justice of the peace from attendance because of illness, a death in the family, or any other good cause."

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"3-11-204. Training ~~session~~ sessions for judges. (1) There shall be on two mandatory annual training ~~session~~ sessions supervised by the supreme court for all elected and appointed city judges. ~~This One of the~~ training sessions which sessions may be held in conjunction with the Montana magistrates' association convention--~~shall be supervised by the supreme court.~~ Mileage and per diem and the costs of

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SB 0468/02

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 4 ~~JUSTICE OF THE PEACE, THE COSTS IMPOSED BY THIS SUBSECTION~~
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-End-

March 16, 1979

Judiciary Committee amendments to Senate Bill 468, third reading copy, as follows:

1. Page 3, line 3.

Following: "sessions"

Insert: ". Whenever the office of city judge is held by a justice of the peace, the costs imposed by this subsection are the joint responsibility of the county and the municipality, with the costs to be allocated and charged in proportion to the work done for each governmental entity. In all other cases, the costs shall be paid"

2. Page 4, line 4.

Following: "City"

Strike: "or town"

3. Page 4, line 5.

Following: "city"

Strike: "or town"

AND AS AMENDED BE CONCURRED IN