

HOUSE BILL NO. 215

INTRODUCED BY KEEDY

IN THE HOUSE

January 14, 1981	Introduced and referred to Committee on Judiciary.
January 29, 1981	Committee recommend bill do pass as amended. Report adopted.
January 30, 1981	Bill printed and placed on members' desks.
January 31, 1981	Second reading, do pass.
February 2, 1981	Correctly engrossed.
February 3, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 4, 1981	Introduced and referred to Committee on Judiciary.
March 14, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 17, 1981	Second reading, concurred in as amended.
March 19, 1981	Third reading, concurred in as amended. Ayes, 48; Noes, 0.

IN THE HOUSE

March 20, 1981	Returned from Senate with amendments.
April 7, 1981	Second reading, amendments concurred.

April 7, 1981

On motion rules suspended
and bill placed on third
reading this day.

Third reading, amendments
concurred in. Ayes, 92;
Noes, 3. Sent to enrolling.

April 9, 1981

Correctly enrolled.

April 10, 1981

Signed by Speaker.

April 11, 1981

Signed by President.

Delivered to Governor.

April 17, 1981

Returned from Governor
with recommended amendments.

April 21, 1981

Second reading, Governor's
amendments concurred in.

On motion rules suspended
and Governor's amendments
placed on third reading this day.

Third reading, Governor's
amendments concurred in.
Ayes, 88; Noes, 6.
Transmitted to Senate.

IN THE SENATE

April 22, 1981

Second reading, Governor's
amendments concurred in.

On motion rules suspended.
Governor's amendments placed
on calendar for third reading
this day.

Third reading, Governor's
amendments concurred in.
Ayes, 40; Noes, 0.

IN THE HOUSE

April 23, 1981

Returned from Senate. Sent
to enrolling.

Reported correctly enrolled.

Approved by Committee
on Judiciary

1 HOUSE BILL NO. 215
 2 INTRODUCED BY KEEDY
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE DISTRICT
 5 COURTS AND JUSTICES' COURTS WITH CONCURRENT ORIGINAL
 6 JURISDICTION IN ALL CRIMINAL CASES AMOUNTING TO MISDEMEANOR;
 7 AMENDING SECTION 3-5-302, MCA; AND PROVIDING AN IMMEDIATE
 8 EFFECTIVE DATE."
 9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 3-5-302, MCA, is amended to read:
 12 "3-5-302. Original jurisdiction. (1) The district
 13 court has original jurisdiction in:
 14 (a) all criminal cases amounting to felony;
 15 (b) all civil and probate matters;
 16 (c) all cases at law and in equity; and
 17 ~~(d) all cases of misdemeanor not otherwise provided~~
 18 ~~for; and~~
 19 ~~(e) all such special actions and proceedings as are~~
 20 ~~not otherwise provided for.~~
 21 (2) The district court has concurrent original
 22 jurisdiction with the justice's court in all criminal cases
 23 amounting to misdemeanor.
 24 ~~(3) The district court has exclusive original~~
 25 ~~jurisdiction in all civil actions that might result in a~~

1 judgment against the state for the payment of money.
 2 ~~(3)(4)~~ The district court has the power of
 3 naturalization and of issuing papers therefor in all cases
 4 where it is authorized to do so by the laws of the United
 5 States.
 6 ~~(4)(5)~~ The district court and its judges have power to
 7 issue, hear, and determine writs of mandamus, quo warranto,
 8 certiorari, prohibition, and injunction, other original
 9 remedial writs, and all writs of habeas corpus on petition
 10 by or on behalf of any person held in actual custody in
 11 their respective districts. Injunctions and writs of
 12 prohibition and habeas corpus may be issued and served on
 13 legal holidays and nonjudicial days."
 14 SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
 15 PASSAGE AND APPROVAL.

-End-

SECOND READING

1 HOUSE BILL NO. 215
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 5 COURTS AND JUSTICES' COURTS WITH CONCURRENT ORIGINAL
 6 JURISDICTION IN ALL CRIMINAL CASES AMOUNTING TO MISDEMEANOR;
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 19 ~~(e) all such special actions and proceedings as are~~
 20 ~~not otherwise provided for.~~
 21 (2) The district court has concurrent original
 22 jurisdiction with the justice's court in all criminal cases
 23 amounting to misdemeanor.
 24 ~~(2)(3) The district court has exclusive original~~
 25 ~~jurisdiction in all civil actions that might result in a~~

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 2 ~~(3)(4) The district court has the power of~~
 3 ~~naturalization and of issuing papers therefor in all cases~~
 4 ~~where it is authorized to do so by the laws of the United~~
 5 ~~States.~~
 6 ~~(4)(5) The district court and its judges have power to~~
 7 ~~issue, hear, and determine writs of mandamus, quo warranto,~~
 8 ~~certiorari, prohibition, and injunction, other original~~
 9 ~~remedial writs, and all writs of habeas corpus on petition~~
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 11 ~~their respective districts. Injunctions and writs of~~
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 13 court has original jurisdiction in:

- 14 (a) all criminal cases amounting to felony;
 15 (b) all civil and probate matters;
 16 (c) all cases at law and in equity; and
 17 (d) ALL CASES OF MISDEMEANOR NOT OTHERWISE PROVIDED
 18 FOR; AND

19 ~~(d)--all cases of misdemeanor not otherwise provided~~
 20 ~~for; and~~

21 ~~(e)(d)(E)~~ all such special actions and proceedings as
 22 are not otherwise provided for.

23 (2) The district court has concurrent original
 24 jurisdiction with the justice's court in ~~all~~ THE FOLLOWING
 25 criminal cases amounting to misdemeanor:

1 (A) MISDEMEANORS ARISING AT THE SAME TIME AS AND OUT
 2 OF THE SAME TRANSACTION AS A CHARGED FELONY;

3 (B) MISDEMEANORS RESULTING FROM THE REDUCTION OF A
 4 FELONY OFFENSE CHARGED IN THE DISTRICT COURT; AND

5 (C) MISDEMEANORS RESULTING FROM A JURY FINDING OF A
 6 LESSER INCLUDED OFFENSE IN A FELONY CASE.

7 ~~(2)(3)~~ The district court has exclusive original
 8 jurisdiction in all civil actions that might result in a
 9 judgment against the state for the payment of money.

10 ~~(3)(4)~~ The district court has the power of
 11 naturalization and of issuing papers therefor in all cases
 12 where it is authorized to do so by the laws of the United
 13 States.

14 ~~(4)(5)~~ The district court and its judges have power to
 15 issue, hear, and determine writs of mandamus, quo warranto,
 16 certiorari, prohibition, and injunction, other original
 17 remedial writs, and all writs of habeas corpus on petition
 18 by or on behalf of any person held in actual custody in
 19 their respective districts. Injunctions and writs of
 20 prohibition and habeas corpus may be issued and served on
 21 legal holidays and nonjudicial days."

22 SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
 23 PASSAGE AND APPROVAL.

-End-

March 14, 1981

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 215 be amended as follows:

1. Page 1, lines 17 through 18.

Following: line 16

Insert: stricken language

Reletter: the subsequent subsection.

2. Page 1, line 22.

Following: "in"

Strike: "all"

Insert: "the following"

3. Page 1, line 23.

Following: "misdemeanor"

Insert: ":

(a) misdemeanors arising at the same time as and out of the same transaction as a charged felony;

(b) misdemeanors resulting from the reduction of a felony offense charged in the district court; and

(c) misdemeanors resulting from a jury finding of a lesser included offense in a felony case "

March 17, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendment to House Bill 215, third reading copy, as follows:

That the following amendment of the Senate Standing Committee on Judiciary be amended to read as follows:

3. "(c) misdemeanors resulting from a finding of a lesser included offense in a felony case"

(omitting the word "jury")



TED SCHWINDEN
GOVERNOR

State of Montana
Office of the Governor
Helena 59620

April 16, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 215, "AN ACT TO PROVIDE DISTRICT COURTS AND JUSTICES' COURTS WITH CONCURRENT ORIGINAL JURISDICTION IN ALL CRIMINAL CASES AMOUNTING TO MISDEMEANOR; AMENDING SECTION 3-5-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," without my signature and recommend the attached amendment.

As introduced, HB 215 provided district courts and justices' courts with concurrent jurisdiction in all criminal cases amounting to misdemeanor. The bill, however, was amended after introduction to provide for concurrent jurisdiction only in certain, specified instances. The title of the bill was not changed to reflect this amendment.

I am proposing an amendment to the title simply to make it reflect the content of the bill.

I urge your concurrence in this amendment.

Sincerely,

A handwritten signature in cursive script that reads "Ted Schwinden".

TED SCHWINDEN
Governor

April 16, 1981

GOVERNOR'S PROPOSED AMENDMENTS TO HOUSE BILL NO. 215;
REFERENCE COPY, AS FOLLOWS:

1. Page 1, Line 6
Following: "IN"
Strike: "ALL"
Insert: "CERTAIN"