

SENATE BILL NO. 24

INTRODUCED BY HAPPERMAN

IN THE SENATE

January 5, 1981	Introduced and referred to Committee on Judiciary.
February 3, 1981	Committee recommend bill do pass as amended. Report adopted.
February 4, 1981	Bill printed and placed on members' desks.
February 5, 1981	Second reading, do pass.
February 6, 1981	Correctly engrossed.
February 7, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

February 9, 1981	Introduced and referred to Committee on Judiciary.
March 4, 1981	Committee recommend bill be concurred in. Report adopted.
March 5, 1981	Second reading, concurred in.
March 7, 1981	Third reading, concurred in. Yeas, 82; Nays, 13.

IN THE SENATE

March 7, 1981	Returned from House. Concurred in. Sent to enrolling. Reported correctly enrolled.
---------------	---

1 SENATE BILL NO. 24

2 INTRODUCED BY HAFFERMAN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE EXEMPTIONS

5 FROM JURY SERVICE AND CLARIFY WHEN A JUROR MAY BE EXCUSED;

6 AMENDING SECTIONS 3-15-312, 3-15-313, AND 3-15-505, MCA; AND

7 REPEALING SECTIONS 3-15-311 AND 3-15-314, MCA."

8

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

10 Section 1. Section 3-15-312, MCA, is amended to read:

11 "3-15-312. Discharge by court. The court must discharge

12 a person from serving as a trial juror ~~in either of the~~

13 ~~following cases:~~

14 {1} when it satisfactorily appears that the person is

15 not competent; or

16 ~~{2} when it satisfactorily appears that the person is~~

17 ~~exempt and claims the benefit of exemption."~~

18 Section 2. Section 3-15-313, MCA, is amended to read:

19 "3-15-313. Who may be excused. A juror must not be

20 excused by a court for a slight or trivial cause or for

21 hardship or inconvenience to his business but only when

22 great hardship or great material injury or destruction to

23 his property or property entrusted to him is threatened or

24 when his own health or the sickness or death of a member of

25 his family requires his absence. A juror may be excused only

1 for the duration of the condition which justifies his being

2 excused from jury service."

3 Section 3. Section 3-15-505, MCA, is amended to read:

4 "3-15-505. Notice to jurors. The clerk shall serve

5 notice by mail on the persons drawn as jurors and require

6 response thereto by mail in such form as the supreme court

7 designates. ~~He may attach to the notice a form for an~~

8 ~~affidavit claiming exemption provided for in 3-15-314.~~ If a

9 person fails to respond to the notice, the clerk shall

10 certify the failure to the sheriff, who shall then serve

11 notice personally on such person and require a response to

12 the notice."

13 NEW SECTION. Section 4. No exemptions from jury

14 service. No exemptions from jury service may be allowed.

15 Each citizen is obligated to serve as a trial juror when

16 summoned unless excused as provided by law.

17 Section 5. Repealer. Sections 3-15-311 and 3-15-314,

18 MCA, are repealed.

19 Section 6. Codification instruction. Section 4 is

20 intended to be codified as an integral part of Title 3,

21 chapter 15, part 3, and the provisions of Title 3, chapter

22 15, part 3, apply to section 4.

-End-

-2- INTRODUCED BILL
SB 24

Approved by Committee on Judiciary

1 SENATE BILL NO. 24
 2 INTRODUCED BY HAFFERMAN
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE EXEMPTIONS
 5 FROM JURY SERVICE AND CLARIFY WHEN A JUROR MAY BE EXCUSED;
 6 AMENDING SECTIONS 3-15-312, 3-15-313, AND 3-15-505,
 7 3-15-507, 46-16-301, AND 46-16-304, MCA; AND REPEALING
 8 SECTIONS 3-15-311 AND 3-15-314, MCA."

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

10 Section 1. Section 3-15-312, MCA, is amended to read:
 11 "3-15-312. Discharge by court. The court must
 12 discharge a person from serving as a trial juror in either
 13 of the following cases: IN EITHER OF THE FOLLOWING CASES:

14 ~~(1) when it satisfactorily appears that the person~~
 15 ~~is not competent; or~~
 16 ~~(2) when it satisfactorily appears that the person is~~

17 ~~exempt and claims the benefit of exemption;~~
 18 (2) WHEN IT SATISFACTORILY APPEARS THAT THE PERSON

19 SHOULD BE EXCUSED UNDER 3-15-313 OR 3-15-507."
 20

21 Section 2. Section 3-15-313, MCA, is amended to read:

22 "3-15-313. Who may be excused -- AFFIDAVIT TO CLAIM
 23 EXCUSE. ~~A juror must not be excused by a court for a slight~~
 24 ~~or trivial cause or for hardship or inconvenience to his~~
 25 ~~business but only when great hardship or great material~~

1 ~~injury or destruction to his property or property entrusted~~
 2 ~~to him is threatened or when his own health or the sickness~~
 3 ~~or death of a member of his family requires his absence. A~~
 4 ~~juror may be excused only for the duration of the condition~~
 5 ~~which justifies his being excused from jury service. (1)~~
 6 THE COURT SHALL EXCUSE A PERSON FROM JURY SERVICE UPON
 7 FINDING THAT JURY SERVICE WOULD ENTAIL UNDUE HARDSHIP FOR
 8 THE PERSON OR THE PUBLIC SERVED BY THE PERSON.

9 (2) IF A PERSON BELIEVES JURY SERVICE WOULD ENTAIL
 10 UNDUE HARDSHIP FOR HIM OR THE PUBLIC SERVED, HE MAY MAKE AND
 11 TRANSMIT AN AFFIDAVIT TO THE CLERK OF THE COURT FOR WHICH HE
 12 IS SUMMONED STATING HIS OCCUPATION OR SUCH OTHER FACTS AS HE
 13 BELIEVES WILL EXCUSE HIM FROM JURY SERVICE. THE AFFIDAVIT
 14 SHALL BE FILED WITH THE CLERK OF THE COURT WHO SHALL
 15 TRANSMIT IT TO THE COURT. THE COURT MAY EXCUSE A
 16 PROSPECTIVE JUROR FROM JURY SERVICE IF THE PROSPECTIVE JUROR
 17 SATISFIES THE PROVISIONS OF SUBSECTION (1).

18 (3) A PERSON MAY ALSO BE EXCUSED FROM JURY SERVICE
 19 UPON PRESENTATION OF HIS EXCUSE TO THE COURT AS PROVIDED IN
 20 3-15-507."

21 Section 3. Section 3-15-505, MCA, is amended to read:

22 "3-15-505. Notice to jurors. The clerk shall serve
 23 notice by mail on the persons drawn as jurors and require
 24 response thereto by mail in such form as the supreme court
 25 designates. He may attach to the notice a form for an

1 ~~affidavit claiming exemption provided for in 3-15-314. HE~~
 2 ~~MAY ATTACH TO THE NOTICE A FORM FOR AN AFFIDAVIT CLAIMING AN~~
 3 ~~EXCUSE AS PROVIDED FOR IN 3-15-313.~~ If a person fails to
 4 respond to the notice, the clerk shall certify the failure
 5 to the sheriff, who shall then serve notice personally on
 6 such person and require a response to the notice."

7 ~~NEW SECTION--Section 4--No--exemptions--from--jury~~
 8 ~~services--No--exemptions--from--jury--service--may--be--allowed.~~
 9 ~~Each citizen is obligated to serve as a trial juror when~~
 10 ~~summoned unless excused as provided by law.~~

11 SECTION 4. SECTION 3-15-507, MCA, IS AMENDED TO READ:
 12 "3-15-507. Clerk to call list of jurors summoned and
 13 prepare capsules. (1) At the opening of court on the day
 14 trial jurors have been summoned to appear, the clerk shall
 15 call the names of those summoned and the court may hear the
 16 excuses of prospective jurors summoned. The court shall
 17 excuse any person satisfying the requirements of
 18 3-15-313(1).

19 (2) The clerk shall write the names of the jurors
 20 present and not excused on separate ballots, fold the
 21 ballots so that the names are concealed, and place them in
 22 black capsules. In the presence of the court, the clerk
 23 shall deposit the capsules containing the ballots in a box
 24 large enough to hold all of the capsules without crowding.
 25 The box shall be so arranged that the judge drawing the

1 capsules from the box is unable to see the capsules he is
 2 about to draw. The box must be kept sealed or locked until
 3 ordered by the court to be opened."

4 SECTION 5. SECTION 46-16-301, MCA, IS AMENDED TO READ:
 5 "46-16-301. Formation of trial jury. (1) Trial juries
 6 for criminal actions are formed in the same manner as trial
 7 juries in civil actions, except that the total number of
 8 jurors drawn shall be at least 12 plus the total number of
 9 peremptory challenges.

10 (2) The qualifications of jurors and exemptions
 11 excuses from jury duty are prescribed in Title 3, chapter
 12 15, part 3."

13 SECTION 6. SECTION 46-16-304, MCA, IS AMENDED TO READ:
 14 "46-16-304. Challenges for cause. (1) each party may
 15 challenge jurors for cause, and each challenge must be tried
 16 by the court.

17 (2) A challenge for cause may be taken for all or any
 18 of the following reasons or for any other reason which the
 19 court determines:

20 (a) consanguinity or relationship to the defendant or
 21 to the person who is alleged to be injured by the offense
 22 charged or on whose complaint the prosecution was
 23 instituted;

24 (b) standing in the relation of guardian and ward,
 25 attorney and client, master and servant, landlord and

1 tenant, or debtor and creditor with or being a member of the
 2 family or in the employment of the defendant or the person
 3 who is alleged to be injured by the offense charged or on
 4 whose complaint the prosecution was instituted;

5 (c) being a party adverse to the defendant in a civil
 6 action or having complained against or been accused by him
 7 in a criminal prosecution;

8 (d) having served on the grand jury which found the
 9 indictment or on a coroner's jury which inquired into the
 10 death of a person whose death is the subject of the
 11 indictment or information;

12 (e) having served on a trial jury which tried another
 13 person for the offense charged;

14 (f) having been a member of a jury formerly sworn to
 15 try the same charge, the verdict of which was set aside or
 16 which was discharged without verdict after the case was
 17 submitted to it;

18 (g) having served as a juror in a civil action brought
 19 against the defendant for the act charged as an offense;

20 (h) if the offense charged is punishable with death,
 21 having such conscientious opinions as would preclude his
 22 finding the defendant guilty, in which case he must neither
 23 be permitted nor compelled to serve as a juror;

24 (i) having a belief that the punishment fixed by law
 25 is too severe for the offense charged;

1 (j) having a state of mind in reference to the case or
 2 to either of the parties which would prevent him from acting
 3 with entire impartiality and without prejudice to the
 4 substantial rights of either party.

5 (3) An exemption excuse from service on a jury is not
 6 a cause of challenge but the privilege of the person
 7 exempted excused."

8 Section 7. Repealer. Sections 3-15-311 and 3-15-314,
 9 MCA, are repealed.

10 ~~Section 6. Edification--instructions--Section 4--is~~
 11 ~~intended--to--be--codified--as--an--integral--part--of--Title--3--~~
 12 ~~chapter 15--part 3--and--the--provisions--of--Title--3--chapter~~
 13 ~~15--part 3--apply--to--section 4~~

-End-

1 SENATE BILL NO. 24
 2 INTRODUCED BY HAFFERMAN
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE EXEMPTIONS
 5 FROM JURY SERVICE AND CLARIFY WHEN A JUROR MAY BE EXCUSED;
 6 AMENDING SECTIONS 3-15-312, 3-15-313, AND 3-15-505,
 7 3-15-507, 46-16-301, AND 46-16-304, MCA; AND REPEALING
 8 SECTIONS 3-15-311 AND 3-15-314, MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 3-15-312, MCA, is amended to read:

12 "3-15-312. Discharge by court. The court must
 13 discharge a person from serving as a trial juror ~~in either~~
 14 ~~of the following cases:~~ IN EITHER OF THE FOLLOWING CASES:

15 ~~(1) when it satisfactorily appears that the person~~
 16 ~~is not competent; or;~~ (1) when it satisfactorily appears that the person

17 ~~(2) when it satisfactorily appears that the person is~~
 18 ~~exempt and claims the benefit of exemption.~~

19 (2) WHEN IT SATISFACTORILY APPEARS THAT THE PERSON
 20 SHOULD BE EXCUSED UNDER 3-15-313 OR 3-15-507."

21 Section 2. Section 3-15-313, MCA, is amended to read:

22 "3-15-313. Who may be excused -- AFFIDAVIT TO CLAIM
 23 EXCUSE. ~~A juror must not be excused by a court for a slight~~
 24 ~~or trivial cause or for hardship or inconvenience to his~~
 25 ~~business--but--only--when~~ great--hardship--or--great material

1 ~~injury or destruction to his property or property--entrusted~~
 2 ~~to--him--is--threatened--or--when--his--own--health--or--the--sickness~~
 3 ~~or--death--of--a--member--of--his--family--requires--his--absence. A~~
 4 ~~juror--may--be--excused--only--for--the--duration--of--the--condition~~
 5 ~~which--justifies--his--being--excused--from--jury--services (1)~~
 6 THE COURT SHALL EXCUSE A PERSON FROM JURY SERVICE UPON
 7 FINDING THAT JURY SERVICE WOULD ENTAIL UNDUH HARDSHIP FOR
 8 THE PERSON OR THE PUBLIC SERVED BY THE PERSON.

9 (2) IF A PERSON BELIEVES JURY SERVICE WOULD ENTAIL
 10 UNDUE HARDSHIP FOR HIM OR THE PUBLIC SERVED, HE MAY MAKE AND
 11 TRANSMIT AN AFFIDAVIT TO THE CLERK OF THE COURT FOR WHICH HE
 12 IS SUMMONED STATING HIS OCCUPATION OR SUCH OTHER FACTS AS HE
 13 BELIEVES WILL EXCUSE HIM FROM JURY SERVICE. THE AFFIDAVIT
 14 SHALL BE FILED WITH THE CLERK OF THE COURT WHO SHALL
 15 TRANSMIT IT TO THE COURT. THE COURT MAY EXCUSE A
 16 PROSPECTIVE JUROR FROM JURY SERVICE IF THE PROSPECTIVE JUROR
 17 SATISFIES THE PROVISIONS OF SUBSECTION (1).

18 (3) A PERSON MAY ALSO BE EXCUSED FROM JURY SERVICE
 19 UPON PRESENTATION OF HIS EXCUSE TO THE COURT AS PROVIDED IN
 20 3-15-507."

21 Section 3. Section 3-15-505, MCA, is amended to read:

22 "3-15-505. Notice to jurors. The clerk shall serve
 23 notice by mail on the persons drawn as jurors and require
 24 response thereto by mail in such form as the supreme court
 25 designates. He--may--attach--to--the--notice--a--form--for--an

1 ~~affidavit-claiming-exemption-provided-for-in--3-15-314~~ HE
 2 MAY ATTACH TO THE NOTICE A FORM FOR AN AFFIDAVIT CLAIMING AN
 3 EXCUSE AS PROVIDED FOR IN 3-15-313. If a person fails to
 4 respond to the notice, the clerk shall certify the failure
 5 to the sheriff, who shall then serve notice personally on
 6 such person and require a response to the notice."

7 ~~NEW-SECTION--Section-4--No--exemptions--from--jury~~
 8 ~~services--No--exemptions--from--jury--service--may--be--allowed.~~
 9 ~~Each-citizen-is-obligated-to-serve-as--a--trial--juror--when~~
 10 ~~summoned-unless-excused-as-provided-by-law~~

11 SECTION 4. SECTION 3-15-507, MCA, IS AMENDED TO READ:

12 "3-15-507. Clerk to call list of jurors summoned and
 13 prepare capsules. (1) At the opening of court on the day
 14 trial jurors have been summoned to appear, the clerk shall
 15 call the names of those summoned and the court may hear the
 16 excuses of prospective jurors summoned. The court shall
 17 excuse any person satisfying the requirements of
 18 3-15-313(1).

19 (2) The clerk shall write the names of the jurors
 20 present and not excused on separate ballots, fold the
 21 ballots so that the names are concealed, and place them in
 22 black capsules. In the presence of the court, the clerk
 23 shall deposit the capsules containing the ballots in a box
 24 large enough to hold all of the capsules without crowding.
 25 The box shall be so arranged that the judge drawing the

1 capsules from the box is unable to see the capsules he is
 2 about to draw. The box must be kept sealed or locked until
 3 ordered by the court to be opened."

4 SECTION 5. SECTION 46-16-301, MCA, IS AMENDED TO READ:

5 "46-16-301. Formation of trial jury. (1) Trial juries
 6 for criminal actions are formed in the same manner as trial
 7 juries in civil actions, except that the total number of
 8 jurors drawn shall be at least 12 plus the total number of
 9 peremptory challenges.

10 (2) The qualifications of jurors and exemptions
 11 excuses from jury duty are prescribed in Title 3, chapter
 12 15, part 3."

13 SECTION 6. SECTION 46-16-304, MCA, IS AMENDED TO READ:

14 "46-16-304. Challenges for cause. (1) Each party may
 15 challenge jurors for cause, and each challenge must be tried
 16 by the court.

17 (2) A challenge for cause may be taken for all or any
 18 of the following reasons or for any other reason which the
 19 court determines:

20 (a) consanguinity or relationship to the defendant or
 21 to the person who is alleged to be injured by the offense
 22 charged or on whose complaint the prosecution was
 23 instituted;

24 (b) standing in the relation of guardian and ward,
 25 attorney and client, master and servant, landlord and

1 tenant, or debtor and creditor with or being a member of the
2 family or in the employment of the defendant or the person
3 who is alleged to be injured by the offense charged or on
4 whose complaint the prosecution was instituted;

5 (c) being a party adverse to the defendant in a civil
6 action or having complained against or been accused by him
7 in a criminal prosecution;

8 (d) having served on the grand jury which found the
9 indictment or on a coroner's jury which inquired into the
10 death of a person whose death is the subject of the
11 indictment or information;

12 (e) having served on a trial jury which tried another
13 person for the offense charged;

14 (f) having been a member of a jury formerly sworn to
15 try the same charge, the verdict of which was set aside or
16 which was discharged without verdict after the case was
17 submitted to it;

18 (g) having served as a juror in a civil action brought
19 against the defendant for the act charged as an offense;

20 (h) if the offense charged is punishable with death,
21 having such conscientious opinions as would preclude his
22 finding the defendant guilty, in which case he must neither
23 be permitted nor compelled to serve as a juror;

24 (i) having a belief that the punishment fixed by law
25 is too severe for the offense charged;

1 (j) having a state of mind in reference to the case or
2 to either of the parties which would prevent him from acting
3 with entire impartiality and without prejudice to the
4 substantial rights of either party.

5 (3) An exemption excuse from service on a jury is not
6 a cause of challenge but the privilege of the person
7 exempted excused."

8 Section 7. Repealer. Sections 3-15-311 and 3-15-314,
9 MCA, are repealed.

10 ~~Section 6--Codification--instruction--Section--4--is~~
11 ~~intended--to--be--codified--as--an--integral--part--of--Title--3--~~
12 ~~chapter--15--part--3--and--the--provisions--of--Title--3--chapter~~
13 ~~15--part--3--apply--to--section--4--~~

-End-

SENATE BILL NO. 24

INTRODUCED BY HAFFERMAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE EXEMPTIONS FROM JURY SERVICE AND CLARIFY WHEN A JUROR MAY BE EXCUSED; AMENDING SECTIONS 3-15-312, 3-15-313, AND 3-15-505, 3-15-507, 46-16-301, AND 46-16-304, MCA; AND REPEALING SECTIONS 3-15-311 AND 3-15-314, MCA."

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

Section 1. Section 3-15-312, MCA, is amended to read:

"3-15-312. Discharge by court. The court must discharge a person from serving as a trial juror in either of the following cases: IN EITHER OF THE FOLLOWING CASES:

(1) when it satisfactorily appears that the person is not competent; OR

(2) when it satisfactorily appears that the person is exempt and claims the benefit of exemption.

(2) WHEN IT SATISFACTORILY APPEARS THAT THE PERSON SHOULD BE EXCUSED UNDER 3-15-313 OR 3-15-507."

Section 2. Section 3-15-313, MCA, is amended to read:

"3-15-313. Who may be excused -- AFFIDAVIT TO CLAIM EXCUSE. ~~A juror must not be excused by a court for a slight or trivial cause or for hardship or inconvenience to his business but only when great hardship or great material~~

~~injury or destruction to his property or property entrusted to him is threatened or when his own health or the sickness or death of a member of his family requires his absence. A juror may be excused only for the duration of the condition which justifies his being excused from jury service. (1) THE COURT SHALL EXCUSE A PERSON FROM JURY SERVICE UPON FINDING THAT JURY SERVICE WOULD ENTAIL UNDUE HARDSHIP FOR THE PERSON OR THE PUBLIC SERVED BY THE PERSON.~~

(2) IF A PERSON BELIEVES JURY SERVICE WOULD ENTAIL UNDUE HARDSHIP FOR HIM OR THE PUBLIC SERVED, HE MAY MAKE AND TRANSMIT AN AFFIDAVIT TO THE CLERK OF THE COURT FOR WHICH HE IS SUMMONED STATING HIS OCCUPATION OR SUCH OTHER FACTS AS HE BELIEVES WILL EXCUSE HIM FROM JURY SERVICE. THE AFFIDAVIT SHALL BE FILED WITH THE CLERK OF THE COURT WHO SHALL TRANSMIT IT TO THE COURT. THE COURT MAY EXCUSE A PROSPECTIVE JUROR FROM JURY SERVICE IF THE PROSPECTIVE JUROR SATISFIES THE PROVISIONS OF SUBSECTION (1).

(3) A PERSON MAY ALSO BE EXCUSED FROM JURY SERVICE UPON PRESENTATION OF HIS EXCUSE TO THE COURT AS PROVIDED IN 3-15-507."

Section 3. Section 3-15-505, MCA, is amended to read:

"3-15-505. Notice to jurors. The clerk shall serve notice by mail on the persons drawn as jurors and require response thereto by mail in such form as the supreme court designates. ~~He may attach to the notice a form for an~~

1 ~~affidavit claiming exemption, provided for in 3-15-314. HE~~
 2 ~~MAY ATTACH TO THE NOTICE A FORM FOR AN AFFIDAVIT CLAIMING AN~~
 3 ~~EXCUSE AS PROVIDED FOR IN 3-15-313.~~ If a person fails to
 4 respond to the notice, the clerk shall certify the failure
 5 to the sheriff, who shall then serve notice personally on
 6 such person and require a response to the notice."

7 ~~NEW SECTION--Section 4--No--exemptions--from--jury~~
 8 ~~services--No--exemptions--from--jury--service--may--be--allowed.~~
 9 ~~Each citizen is obligated to serve as a trial juror when~~
 10 ~~summoned unless excused as provided by law.~~

11 SECTION 4. SECTION 3-15-507, MCA, IS AMENDED TO READ:
 12 "3-15-507. Clerk to call list of jurors summoned and
 13 prepare capsules. (1) At the opening of court on the day
 14 trial jurors have been summoned to appear, the clerk shall
 15 call the names of those summoned and the court may hear the
 16 excuses of prospective jurors summoned. The court shall
 17 excuse any person satisfying the requirements of
 18 3-15-313(1).

19 (2) The clerk shall write the names of the jurors
 20 present and not excused on separate ballots, fold the
 21 ballots so that the names are concealed, and place them in
 22 black capsules. In the presence of the court, the clerk
 23 shall deposit the capsules containing the ballots in a box
 24 large enough to hold all of the capsules without crowding.
 25 The box shall be so arranged that the judge drawing the

1 capsules from the box is unable to see the capsules he is
 2 about to draw. The box must be kept sealed or locked until
 3 ordered by the court to be opened."

4 SECTION 5. SECTION 46-16-301, MCA, IS AMENDED TO READ:

5 "46-16-301. Formation of trial jury. (1) Trial juries
 6 for criminal actions are formed in the same manner as trial
 7 juries in civil actions, except that the total number of
 8 jurors drawn shall be at least 12 plus the total number of
 9 peremptory challenges.

10 (2) The qualifications of jurors and exemptions
 11 excuses from jury duty are prescribed in Title 3, chapter
 12 15, part 3."

13 SECTION 6. SECTION 46-16-304, MCA, IS AMENDED TO READ:

14 "46-16-304. Challenges for cause. (1) Each party may
 15 challenge jurors for cause, and each challenge must be tried
 16 by the court.

17 (2) A challenge for cause may be taken for all or any
 18 of the following reasons or for any other reason which the
 19 court determines:

20 (a) consanguinity or relationship to the defendant or
 21 to the person who is alleged to be injured by the offense
 22 charged or on whose complaint the prosecution was
 23 instituted;

24 (b) standing in the relation of guardian and ward,
 25 attorney and client, master and servant, landlord and

1 tenant, or debtor and creditor with or being a member of the
2 family or in the employment of the defendant or the person
3 who is alleged to be injured by the offense charged or on
4 whose complaint the prosecution was instituted;

5 (c) being a party adverse to the defendant in a civil
6 action or having complained against or been accused by him
7 in a criminal prosecution;

8 (d) having served on the grand jury which found the
9 indictment or on a coroner's jury which inquired into the
10 death of a person whose death is the subject of the
11 indictment or information;

12 (e) having served on a trial jury which tried another
13 person for the offense charged;

14 (f) having been a member of a jury formerly sworn to
15 try the same charge, the verdict of which was set aside or
16 which was discharged without verdict after the case was
17 submitted to it;

18 (g) having served as a juror in a civil action brought
19 against the defendant for the act charged as an offense;

20 (h) if the offense charged is punishable with death,
21 having such conscientious opinions as would preclude his
22 finding the defendant guilty, in which case he must neither
23 be permitted nor compelled to serve as a juror;

24 (i) having a belief that the punishment fixed by law
25 is too severe for the offense charged;

1 (j) having a state of mind in reference to the case or
2 to either of the parties which would prevent him from acting
3 with entire impartiality and without prejudice to the
4 substantial rights of either party.

5 (3) An exemption excuse from service on a jury is not
6 a cause of challenge but the privilege of the person
7 exempted excused."

8 Section 7. Repealer. Sections 3-15-311 and 3-15-314,
9 MCA, are repealed.

10 ~~Section 6. Codification instructions. Section 4 is~~
11 ~~intended to be codified as an integral part of title 3,~~
12 ~~chapter 15, part 3, and the provisions of title 3, chapter~~
13 ~~15, part 3, apply to section 4.~~

-End-