

HOUSE BILL NO. 433

INTRODUCED BY MUELLER, DARKO, KEYSER

IN THE HOUSE

January 21, 1983	Introduced and referred to Committee on Judiciary.
February 3, 1983	Committee recommend bill do pass. Report adopted.
February 4, 1983	Bill printed and placed on members' desks.
February 5, 1983	Second reading, do pass.
February 7, 1983	Considered correctly engrossed.
February 8, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 9, 1983	Introduced and referred to Committee on Judiciary.
March 3, 1983	Committee recommend bill be concurred in. Report adopted.
March 5, 1983	Second reading, concurred in.
March 8, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.  On motion reconsider action taken this day and placed on third reading 3/9/83.
March 9, 1983	Third reading, concurred in. Ayes, 50; Noes, 0.

IN THE HOUSE

March 9, 1983

Returned to House.

March 10, 1983

Sent to enrolling.

Reported correctly  
enrolled.

1 House BILL NO. 433  
 2 INTRODUCED BY Mueller, Clarke, Heyser  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A  
 5 CHALLENGE FOR CAUSE TO A JUROR MAY NOT BE TAKEN BECAUSE OF  
 6 A DEBTOR-CREDITOR RELATIONSHIP WHEN THAT RELATIONSHIP ARISES  
 7 SOLELY BECAUSE A PROSPECTIVE JUROR IS A DEPOSITOR OF FUNDS  
 8 IN A BANK OR SIMILAR FINANCIAL INSTITUTION; AMENDING SECTION  
 9 25-7-223, MCA."

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

12 Section 1. Section 25-7-223, MCA, is amended to read:

13 "25-7-223. Challenges to jurors for cause. Challenges  
 14 for cause may be taken on one or more of the following  
 15 grounds:

16 (1) a want of any of the qualifications prescribed by  
 17 this code to render a person competent as a juror;

18 (2) being the spouse of or related to a party by  
 19 consanguinity or affinity within the sixth degree;

20 (3) standing in the relation of guardian and ward,  
 21 debtor and creditor, employer and employee, or principal and  
 22 agent to either party or being a partner in business with  
 23 either party or surety on any bond or obligation for either  
 24 party. However, a challenge for cause may not be taken  
 25 because of debtor and creditor relation when the same arises

1 solely;

2 (a) by reason of current bills of gas, water,  
 3 electricity, or telephone; or

4 ~~(b) because a prospective juror is a depositor of~~  
 5 ~~funds with a bank, savings and loan institution, credit~~  
 6 ~~union, or similar financial institution.~~

7 (4) having served as a juror or been a witness on a  
 8 previous trial between the same parties for the same cause  
 9 of action;

10 (5) interest on the part of the juror in the event of  
 11 the action or in the main question involved in the action,  
 12 except his interest as a member or citizen of a municipal  
 13 corporation;

14 (6) having an unqualified opinion or belief as to the  
 15 merits of the action;

16 (7) the existence of a state of mind in the juror  
 17 evincing enmity against or bias in favor of either party."

-End-

Approved by Committee  
on Judiciary

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-End-

THIRD READING

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(1) a want of any of the qualifications prescribed by this code to render a person competent as a juror;

(2) being the spouse of or related to a party by consanguinity or affinity within the sixth degree;

(3) standing in the relation of guardian and ward, debtor and creditor, employer and employee, or principal and agent to either party or being a partner in business with either party or surety on any bond or obligation for either party. However, a challenge for cause may not be taken because of debtor and creditor relation when the same arises

solely;

(a) by reason of current bills of gas, water, electricity, or telephone; or

(b) ~~because a prospective juror is a depositor of funds with a bank, savings, and loan institution, credit union, or similar financial institution.~~

(4) having served as a juror or been a witness on a previous trial between the same parties for the same cause of action;

(5) interest on the part of the juror in the event of the action or in the main question involved in the action, except his interest as a member or citizen of a municipal corporation;

(6) having an unqualified opinion or belief as to the merits of the action;

(7) the existence of a state of mind in the juror evincing enmity against or bias in favor of either party."

-End-