

HOUSE BILL NO. 207

1/16 Introduced  
1/16 Referred to Judiciary  
1/23 Hearing  
1/24 Adverse Committee Report  
1/25 Bill Killed

1 HOUSE BILL NO. 207

2 INTRODUCED BY Rock Adley, Willie Johnson and Bashini

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MAXIMUM  
5 JURISDICTIONAL AMOUNT IN CIVIL CASES IN JUSTICES' COURTS TO  
6 \$7,500; AMENDING SECTIONS 3-10-301 AND 25-31-506, MCA."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 3-10-301, MCA, is amended to read:

10 "3-10-301. Civil jurisdiction. (1) Except as provided  
11 in subsection (2) and in 3-11-103, the justices' courts have  
12 jurisdiction:

13 (a) in actions arising on contract for the recovery of  
14 money only if the sum claimed does not exceed ~~\$3,500~~ \$7,500,  
15 exclusive of court costs;

16 (b) in actions for damages not exceeding ~~\$3,500~~  
17 \$7,500, exclusive of court costs, for taking, detaining, or  
18 injuring personal property or for injury to real property  
19 when no issue is raised by the verified answer of the  
20 defendant involving the title to or possession of the real  
21 property;

22 (c) in actions for damages not exceeding ~~\$3,500~~  
23 \$7,500, exclusive of court costs, for injury to the person,  
24 except that, in actions for false imprisonment, libel,  
25 slander, criminal conversation, seduction, malicious

1 prosecution, determination of paternity, and abduction, the  
2 justice of the peace does not have jurisdiction;

3 (d) in actions to recover the possession of personal  
4 property if the value of the property does not exceed ~~\$3,500~~  
5 \$7,500;

6 (e) in actions for a fine, penalty, or forfeiture not  
7 exceeding ~~\$3,500~~ \$7,500, imposed by a statute or an  
8 ordinance of an incorporated city or town when no issue is  
9 raised by the answer involving the legality of any tax,  
10 impost, assessment, toll, or municipal fine;

11 (f) in actions upon bonds or undertakings conditioned  
12 for the payment of money when the sum claimed does not  
13 exceed ~~\$3,500~~ \$7,500, though the penalty may exceed that  
14 sum;

15 (g) to take and enter judgment for the recovery of  
16 money on the confession of a defendant when the amount  
17 confessed does not exceed ~~\$3,500~~ \$7,500, exclusive of court  
18 costs.

19 (2) Justices' courts do not have jurisdiction in civil  
20 actions that might result in a judgment against the state  
21 for the payment of money."

22 Section 2. Section 25-31-506, MCA, is amended to read:

23 "25-31-506. Compulsory counterclaim. If the defendant  
24 omits to set up a counterclaim in the cases mentioned in  
25 25-31-505, neither he nor his assignee can afterward

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1 maintain an action against the plaintiff therefor. If the  
2 counterclaim exceeds ~~93,500~~ \$7,500, he need not set it up."

-End-