## HOUSE BILL NO. 352

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#### INTRODUCED BY NELSON

#### IN THE HOUSE

January 22, 1985	Introduced and referred to Committee on Judiciary.
February 5, 1985	Committee recommend bill do pass. Report adopted.
February 6, 1985	Bill printed and placed on members' desks.
February 8, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 9, 1985	Third reading, passed.
	Transmitted to Senate.
IN THE S	ENATE
February 11, 1985	Introduced and referred to Committee on Judiciary.
March 28, 1985	Committee recommend bill be concurred in. Report adopted.
March 30, 1985	Second reading, concurred in.
April 1, 1985	Third reading, concurred in. Ayes, 47; Noes, 0.
	Returned to House.

### IN THE HOUSE

April 2, 1985

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Received from Senate. Sent to enrolling. Reported correctly enrolled. LC 0883/01

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HOUSE BILL NO. 352 1 INTRODUCED BY Frecher An Victor 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 5 3-5-302, MCA, TO EXPAND THE CONCURRENT ORIGINAL JURISDICTION THAT THE DISTRICT COURT HAS WITH THE JUSTICE'S COURT IN 6 7 CERTAIN CRIMINAL CASES AMOUNTING TO MISDEMEANOR." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 3-5-302, MCA, is amended to read: 10 "3-5-302. Original jurisdiction. (1) The district 11 12 court has original jurisdiction in: 13 (a) all criminal cases amounting to felony; 14 (b) all civil and probate matters; 15 (c) all cases at law and in equity; 16 (d) all cases of misdemeanor not otherwise provided 17 for; and 18 (e) all such special actions and proceedings as are 19 not otherwise provided for. 20 (2) The district court has concurrent original 21 jurisdiction with the justice's court in the following 22 criminal cases amounting to misdemeanor: 23 (a) misdemeanors arising at the same time as and out 24 of the same transaction as a charged felony or misdemeanor 25 offense charged in district court;

(b) misdemeanors resulting from the reduction of a
 felony <u>or misdemeanor</u> offense charged in the district court;
 and

4 (c) misdemeanors resulting from a finding of a lesser
5 included offense in a felony <u>or misdemeanor</u> case <u>tried in</u>
6 <u>district court</u>.

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

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

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# INTRODUCED BILL

HB 352

LC 0883/01 Approved by committee on judiciary

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1	HOUSE BILL NO. 352	1
2	INTRODUCED BY Ruchard Thicker	2
3		3
4	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION	4
5	3-5-302, MCA, TO EXPAND THE CONCURRENT ORIGINAL JURISDICTION	5
6	THAT THE DISTRICT COURT HAS WITH THE JUSTICE'S COURT IN	6
7	CERTAIN CRIMINAL CASES AMOUNTING TO MISDEMEANOR."	7
8		8
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9
10	Section 1. Section 3-5-302, MCA, is amended to read:	10
11	"3-5-302. Original jurisdiction. (1) The district	11
12	court has original jurisdiction in:	12
13	<ul><li>(a) all criminal cases amounting to felony;</li></ul>	13
14	(b) all civil and probate matters;	14
15	(c) all cases at law and in equity;	15
16	(d) all cases of misdemeanor not otherwise provided	16
17	for; and	17
18	(e) all such special actions and proceedings as are	18
19	not otherwise provided for.	19
20	(2) The district court has concurrent original	20
21	jurisdiction with the justice's court in the following	
22	criminal cases amounting to misdemeanor:	
23	(a) misdemeanors arising at the same time as and out	
24	of the same transaction as a <del>charged</del> felony <u>or misdemeanor</u>	
25	offense charged in district court;	

felony or misdemeanor offense charged in the district court; and (c) misdemeanors resulting from a finding of a lesser included offense in a felony or misdemeanor case tried in district court. (3) The district court has exclusive original jurisdiction in all civil actions that might result in a judgment against the state for the payment of money. (4) The district court has the power of naturalization and of issuing papers therefor in all cases where it is authorized to do so by the laws of the United States. (5) The district court and its judges have power to issue, hear, and determine writs of mandamus, quo warranto, certiorari, prohibition, and injunction, other original remedial writs, and all writs of habeas corpus on petition by or on behalf of any person held in actual custody in their respective districts. Injunctions and writs of prohibition and habeas corpus may be issued and served on legal holidays and nonjudicial days."

(b) misdemeanors resulting from the reduction of a

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HOUSE BILL NO. 352 1 INTRODUCED BY Proton A Victor 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 3-5-302, MCA, TO EXPAND THE CONCURRENT ORIGINAL JURISDICTION 5 THAT THE DISTRICT COURT HAS WITH THE JUSTICE'S COURT IN 6 7 CERTAIN CRIMINAL CASES AMOUNTING TO MISDEMEANOR." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 3-5-302, MCA, is amended to read: 10 "3-5-302. Original jurisdiction. (1) The district 11 12 court has original jurisdiction in: (a) all criminal cases amounting to felony; 13 14 (b) all civil and probate matters; (c) all cases at law and in equity; 15 (d) all cases of misdemeanor not otherwise provided 16 for: and 17 (e) all such special actions and proceedings as are 18 not otherwise provided for. 19 20 (2) The district court has concurrent original jurisdiction with the justice's court in the following 21 criminal cases amounting to misdemeanor: 22 (a) misdemeanors arising at the same time as and out 23 of the same transaction as a charged felony or misdemeanor 24 25 offense charged in district court;

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(b) misdemeanors resulting from the reduction of a
 felony <u>or misdemeanor</u> offense charged in the district court;
 and

4 (c) misdemeanors resulting from a finding of a lesser
5 included offense in a felony or misdemeanor case tried in
6 district court.

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

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

-End-

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THIRD READING

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1	HOUSE BILL NO. 352	1	(b) misdemeanors resulting from the reduction of a
2	INTRODUCED BY NELSON	2	felony or misdemeanor offense charged in the district court;
<b>3</b> .		3	and
4	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION	4	(c) misdemeanors resulting from a finding of a lesser
5	3-5-302, MCA, TO EXPAND THE CONCURRENT ORIGINAL JURISDICTION	5	included offense in a felony or misdemeanor case tried in
6	THAT THE DISTRICT COURT HAS WITH THE JUSTICE'S COURT IN	6	district court.
7	CERTAIN CRIMINAL CASES AMOUNTING TO MISDEMEANOR."	. 7	(3) The district court has exclusive original
8		8	jurisdiction in all civil actions that might result in a
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	judgment against the state for the payment of money.
10	Section 1. Section 3-5-302, MCA, is amended to read:	10	(4) The district court has the power of naturalization
11	"3-5-302. Original jurisdiction. (1) The district	11	and of issuing papers therefor in all cases where it is
12	court has original jurisdiction in:	12	authorized to do so by the laws of the United States.
13	(a) all criminal cases amounting to felony;	13	(5) The district court and its judges have power to
14	(b) all civil and probate matters;	14	issue, hear, and determine writs of mandamus, quo warranto,
15	(c) all cases at law and in equity;	15	certiorari, prohibition, and injunction, other original
16	(d) all cases of misdemeanor not otherwise provided	16	remedial writs, and all writs of habeas corpus on petition
17	for; and	17	by or on behalf of any person held in actual custody in
18	(e) all such special actions and proceedings as are	18	their respective districts. Injunctions and writs of
19	not otherwise provided for.	19	prohibition and habeas corpus may be issued and served on
20	(2) The district court has concurrent original	20	legal holidays and nonjudicial days."
21	jurisdiction with the justice's court in the following		-End-
22	criminal cases amounting to misdemeanor:		
23	(a) misdemeanors arising at the same time as and out		
24	of the same transaction as a charged felony or misdemeanor		
25	offense charged in district court;		REFERENCE BILL

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