

HOUSE BILL NO. 352

INTRODUCED BY NELSON

IN THE HOUSE

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| 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 SENATE

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| February 11, 1985 | Introduced and referred to Committee on Judiciary. |
| March 28, 1985 | Committee recommend bill be concurrent 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

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 352
2 INTRODUCED BY Richard D. Wilson

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
5 3-5-302, MCA, TO EXPAND THE CONCURRENT ORIGINAL JURISDICTION
6 THAT THE DISTRICT COURT HAS WITH THE JUSTICE'S COURT IN
7 CERTAIN CRIMINAL CASES AMOUNTING TO MISDEMEANOR."

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

10 Section 1. Section 3-5-302, MCA, is amended to read:
11 "3-5-302. Original jurisdiction. (1) The district
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;

1 (b) misdemeanors resulting from the reduction of a
2 felony or misdemeanor offense charged in the district court;
3 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
14 issue, hear, and determine writs of mandamus, quo warranto,
15 certiorari, prohibition, and injunction, other original
16 remedial writs, and all writs of habeas corpus on petition
17 by or on behalf of any person held in actual custody in
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."

-End-

INTRODUCED BILL
HB 352



APPROVED BY COMMITTEE
ON JUDICIARY

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SECOND READING
HB 352

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REFERENCE BILL