

HOUSE BILL NO. 781

INTRODUCED BY SPAETH, MERCER, HARP, ADDY

IN THE HOUSE

February 11, 1985	Introduced and referred to Committee on Judiciary.
February 21, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 23, 1985	Second reading, do pass. Considered correctly engrossed.
February 25, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 4, 1985	Introduced and referred to Committee on Judiciary.
March 21, 1985	Committee recommend bill be concurred in. Report adopted.
March 23, 1985	Second reading, concurred in.
March 26, 1985	Third reading, concurred in. Ayes, 50; Noes, 0. Returned to House.

IN THE HOUSE

March 27, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 781
2 INTRODUCED BY Speth, Mercer, HARP, Alby
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GIVE PROSECUTORS THE
5 RIGHT TO APPEAL FROM A JUSTICE'S OR CITY COURT TO THE
6 DISTRICT COURT IN CERTAIN CASES; AMENDING SECTION 46-17-311,
7 MCA."

8

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

10 Section 1. Section 46-17-311, MCA, is amended to read:

11 "46-17-311. Appeal. (1) All cases on appeal from
12 justices' or city courts must be tried anew in the district
13 court and may be tried before a jury of six selected in the
14 same manner as a trial jury in a civil action, except that
15 the total number of jurors drawn shall be at least six plus
16 the total number of peremptory challenges.

17 (2) ~~The defendant~~ A party may appeal to the district
18 court by giving written notice of his intention to appeal
19 within 10 days after judgment, except that the state may
20 only appeal in the cases provided for in 46-20-103.

21 (3) Within 30 days, the entire record of the justice's
22 or city court proceedings must be transferred to the
23 district court or the appeal must be dismissed. It is the
24 duty of the defendant appellant to perfect the appeal."

-End-



INTRODUCED BILL

HB 781

APPROVED BY COMMITTEE
ON JUDICIARY

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HOUSE BILL NO. 781

INTRODUCED BY

Speth Mercer HARP Alley

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-End-



SECOND READING

HB 781

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REFERENCE BILL
HB 781