

HOUSE BILL NO. 889

INTRODUCED BY M. WILLIAMS, ADDY, COBB,
DARKO, RAMIREZ, MERCER

IN THE HOUSE

February 19, 1985	Introduced and referred to Committee on Judiciary.
February 22, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 25, 1985	Second reading, do pass. Considered correctly engrossed.
February 26, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 4, 1985	Introduced and referred to Committee on Judiciary.
March 20, 1985	Committee recommend bill be concurrent in as amended. Report adopted.
March 23, 1985	Second reading, concurred in.
March 26, 1985	Third reading, concurred in. Ayes, 50; Noes, 0. Returned to House with amendments.

IN THE HOUSE

March 27, 1985

Received from Senate.

April 8, 1985

Second reading, amendments
concurrent in.

On motion, rules suspended and
bill placed on third reading
this day.

Third reading, amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 889
 2 INTRODUCED BY M. Williams Ally Cobb Marko Ramsey
 3 Marce

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE
 5 LAWS CONCERNING JUSTICES' COURTS; APPLYING THE FEE SCHEDULE
 6 FOR SERVICES PERFORMED BY SHERIFFS TO CONSTABLES; REVISING
 7 COURT FEES IN CIVIL ACTIONS FILED IN JUSTICES' COURTS;
 8 PERMITTING JUSTICES' COURTS TO POSTPONE TRIALS FOR A MAXIMUM
 9 OF 4 MONTHS FOR GOOD CAUSE; AMENDING SECTIONS 3-10-702,
 10 25-31-112, AND 25-31-703, MCA."

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

13 Section 1. Section 3-10-702, MCA, is amended to read:
 14 "3-10-702. Governed by law prescribing sheriffs'
 15 duties. (1) All the provisions of 3-5-407, 7-32-2101,
 16 7-32-2102, 7-32-2121, except subsections (4), (5), and (6),
 17 7-32-2122, 7-32-2124, 7-32-2127, 7-32-2129 through
 18 7-32-2132, 25-3-101, 25-3-202, 25-3-204 through 25-3-206,
 19 25-3-301, 25-3-302, 25-13-403, 25-31-408(3), 27-18-305, and
 20 27-18-1505 apply to constables and govern their powers,
 21 duties, and liabilities.

22 (2) The provisions of 7-32-2141(1) apply to
 23 constables. Fees collected by a constable for services as
 24 provided in 7-32-2141(1) must be paid to the county
 25 treasurer as provided in 7-4-2511(2) and credited to the

1 budget of the justice's court."

2 Section 2. Section 25-31-112, MCA, is amended to read:
 3 "25-31-112. Fees. The following is the schedule of
 4 fees which, except as provided in 25-35-605, shall be paid
 5 in every civil action in a justice's court:

6 (1) ~~\$7.50~~ \$10 when complaint is filed, to be paid by
 7 the plaintiff;

8 (2) ~~\$7.50~~ \$10 when the defendant appears, to be paid
 9 by the defendant;

10 (3) ~~\$7.50~~ \$10 to be paid by the prevailing party when
 11 judgment is rendered. In cases where judgment is entered by
 12 default, no charge except the ~~\$7.50~~ \$10 for the filing of
 13 the complaint shall be made for any services, including
 14 issuing and return of execution.

15 (4) ~~\$7.50~~ \$10 for all services in an action where
 16 judgment is rendered by confession;

17 (5) ~~\$7.50~~ \$10 for filing notice of appeal and
 18 transcript on appeal, justifying and approving undertaking
 19 on appeal, and transmitting papers to the district court
 20 with certificate;

21 ~~(6) \$1 for issuing each writ of execution or~~
 22 ~~attachment."~~

23 Section 3. Section 25-31-703, MCA, is amended to read:
 24 "25-31-703. Postponement by motion of court. The court
 25 may, of its own motion, postpone the trial:



-2-
 INTRODUCED BILL
 HB 889

1 (1) for not exceeding 1 day if, at the time fixed by
2 law or by an order of the court for the trial, the court is
3 engaged in the trial of another action;

4 (2) for not exceeding 2 days if, by an amendment of
5 the pleadings or the allowance of time to make such
6 amendment or to plead, a postponement is rendered necessary;

7 (3) for not exceeding 3 days if the trial is upon
8 issues of fact and a jury has been demanded;

9 (4) for not exceeding 4 months for good cause."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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2 INTRODUCED BY M. Williams Abby Cobb Nanko Lanning
3 Marce

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19 25-3-301, 25-3-302, 25-13-403, 25-31-408(3), 27-18-305, and
20 27-18-1505 apply to constables and govern their powers,
21 duties, and liabilities.

22 (2) The provisions of 7-32-2141(1) apply to
23 constables. Fees collected by a constable for services as
24 provided in 7-32-2141(1) must be paid to the county
25 treasurer as provided in 7-4-2511(2) and credited to the

1 budget of the justice's court."

2 Section 2. Section 25-31-112, MCA, is amended to read:
3 "25-31-112. Fees. The following is the schedule of
4 fees which, except as provided in 25-35-605, shall be paid
5 in every civil action in a justice's court:

6 (1) \$7:50 \$10 when complaint is filed, to be paid by
7 the plaintiff;
8 (2) \$7:50 \$10 when the defendant appears, to be paid
9 by the defendant;

10 (3) \$7:50 \$10 to be paid by the prevailing party when
11 judgment is rendered. In cases where judgment is entered by
12 default, no charge except the \$7:50 \$10 for the filing of
13 the complaint shall be made for any services, including
14 issuing and return of execution.

15 (4) \$7:50 \$10 for all services in an action where
16 judgment is rendered by confession;

17 (5) \$7:50 \$10 for filing notice of appeal and
18 transcript on appeal, justifying and approving undertaking
19 on appeal, and transmitting papers to the district court
20 with certificate.

21 ~~{6}--\$1--for--issuing--each--writ--of--execution--or~~
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23 Section 3. Section 25-31-703, MCA, is amended to read:

24 "25-31-703. Postponement by motion of court. The court
25 may, of its own motion, postpone the trial:



1 (1) for not exceeding 1 day if, at the time fixed by
2 law or by an order of the court for the trial, the court is
3 engaged in the trial of another action;

4 (2) for not exceeding 2 days if, by an amendment of
5 the pleadings or the allowance of time to make such
6 amendment or to plead, a postponement is rendered necessary;

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8 issues of fact and a jury has been demanded;

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 25 treasurer as provided in 7-4-2511(2) and credited to the

1 budget of the justice's court."

2 Section 2. Section 25-31-112, MCA, is amended to read:
 3 "25-31-112. Fees. The following is the schedule of
 4 fees which, except as provided in 25-35-605, shall be paid
 5 in every civil action in a justice's court:

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 7 the plaintiff;

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23 Section 3. Section 25-31-703, MCA, is amended to read:

24 "25-31-703. Postponement by motion of court. The court
 25 may, of its own motion, postpone the trial:

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2 law or by an order of the court for the trial, the court is
3 engaged in the trial of another action;

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5 the pleadings or the allowance of time to make such
6 amendment or to plead, a postponement is rendered necessary;

7 (3) for not exceeding 3 days if the trial is upon
8 issues of fact and a jury has been demanded;

9 (4) for not exceeding 4 months for good cause."

-End-

STANDING COMMITTEE REPORT

SENATE

March 20

19 85

MR. PRESIDENT

We, your committee on..... JUDICIARY.....

having had under consideration..... HOUSE BILL..... No. 889

third reading copy (blue)
color

(Senator Towe)

GENERALLY REVISING LAWS CONCERNING JUSTICES' COURTS

Respectfully report as follows: That..... HOUSE BILL..... No. 889

be amended as follows:

1. Page 2, line 25.
Following: "trial"
Strike: ":"

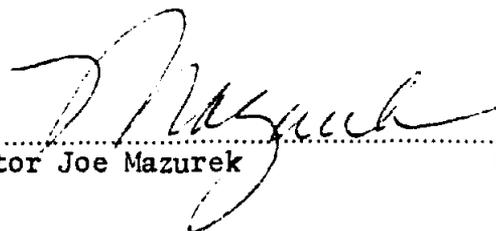
2. Page 3, lines 1 through 9.
Strike: Line 1 through "(4)" on line 9

AND AS AMENDED

BE CONCURRED IN

~~XXXXXXXX~~

~~XXXXXXXXXX~~


.....
Senator Joe Mazurek Chairman.

HOUSE BILL NO. 889

INTRODUCED BY M. WILLIAMS, ADDY, COBB,

DARKO, RAMIREZ, MERCER

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(2) The provisions of 7-32-2141(1) apply to constables. Fees collected by a constable for services as provided in 7-32-2141(1) must be paid to the county

treasurer as provided in 7-4-2511(2) and credited to the budget of the justice's court."

Section 2. Section 25-31-112, MCA, is amended to read:

"25-31-112. Fees. The following is the schedule of fees which, except as provided in 25-35-605, shall be paid in every civil action in a justice's court:

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(2) ~~\$7.50~~ \$10 when the defendant appears, to be paid by the defendant;

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