

SENATE BILL NO. 149

1/18 Introduced
1/18 Referred to Judiciary
2/01 Hearing
2/04 Adverse Committee Report
2/04 Bill Killed

1 *Senate* BILL NO. *149*
 2 INTRODUCED BY *Bob Brown Lylyd Smith*
 3 *Nelson Connally Ed. Skinnel*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PERSON
 5 PLEADING GUILTY IN A JUSTICE'S, CITY, OR MUNICIPAL COURT MAY
 6 NOT APPEAL TO THE DISTRICT COURT; AMENDING SECTIONS
 7 46-17-203 AND 46-17-404, MCA."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 46-17-203, MCA, is amended to read:
 11 "46-17-203. Plea of guilty. (1) Before or during
 12 trial, a plea of guilty may be accepted when:
 13 ~~(1)~~(a) the defendant enters a plea of guilty in open
 14 court; and
 15 ~~(2)~~(b) the court has informed the defendant of the
 16 consequences of his plea and of the maximum penalty provided
 17 by law which may be imposed upon acceptance of such plea.
 18 (2) A guilty plea waives the defendant's right to
 19 appeal to the district court."

20 Section 2. Section 46-17-404, MCA, is amended to read:
 21 "46-17-404. Appeals. (1) A party that has not pleaded
 22 guilty to a criminal offense may appeal to district court
 23 from a judgment of municipal court. A guilty plea waives the
 24 defendant's right to appeal to the district court.
 25 (2) Appeal from a municipal court may be limited by

1 requiring by ordinance that a minimum amount in controversy,
 2 not to exceed \$200, be met before the district court has
 3 jurisdiction to hear the appeal, except:
 4 (a) if the judgment of the municipal court includes
 5 incarceration, no minimum amount in controversy may be
 6 required for appeal; and
 7 (b) upon petition by an aggrieved party, the district
 8 court may, in the interests of justice, accept appeal
 9 jurisdiction notwithstanding the amount in controversy."

-End-



-2- INTRODUCED BILL
 SB 149