

HB 135 INTRODUCED BY ADDY, ET AL.
REQUIRE SIX-PERSON JURY IN ALL CIVIL CASES TRIED IN
DISTRICT COURT

1/10 INTRODUCED
1/10 REFERRED TO JUDICIARY
1/16 HEARING
1/23 TABLED IN COMMITTEE

1 HB BILL NO. 135
2 INTRODUCED BY Adley Smith
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A TRIAL JURY
5 IN ANY CIVIL ACTION TRIED IN DISTRICT COURT TO CONSIST OF
6 SIX PERSONS; REDUCING THE NUMBER OF PEREMPTORY CHALLENGES TO
7 JURORS TO REFLECT THE REDUCTION IN JURORS; AND AMENDING
8 SECTIONS 3-15-106, 25-7-205, AND 25-7-224, MCA."

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

11 Section 1. Section 3-15-106, MCA, is amended to read:

12 "3-15-106. Number of a trial jury. (1) (a) Except as
13 provided in (1)(b), a trial jury in criminal cases consists
14 of 12 persons, ~~provided that, in civil actions and~~

15 (b) In cases of misdemeanor, it a trial jury may
16 consist of 12 persons or any number less than 12 upon which
17 the parties may agree in open court.

18 ~~(2) In all civil actions where the relief asked for in~~
19 ~~the complaint is under the sum of \$10,000, a trial jury may,~~
20 ~~in the discretion of the trial judge, consist~~ consists of
21 six persons and two-thirds of the jury may render a
22 verdict."

23 Section 2. Section 25-7-205, MCA, is amended to read:

24 "25-7-205. Persons drawn and approved to form jury.
25 The first ~~12~~ six persons, ~~or such other number as will~~

1 ~~constitute the jury~~ who appear, as their names are drawn
2 and called, and are approved as indifferent between the
3 parties and not discharged or excused must be sworn and
4 constitute the jury to try the issue."

5 Section 3. Section 25-7-224, MCA, is amended to read:

6 "25-7-224. Peremptory challenges to jurors. (1) Each
7 party is entitled to four two peremptory challenges, ~~except~~
8 ~~as provided for under subsection (2).~~

9 ~~(2) When a six person jury is authorized by law, each~~
10 ~~side shall have two peremptory challenges. When the parties~~
11 ~~agree upon a jury consisting of a number of persons other~~
12 ~~than 6 or 12, they shall also agree in open court, with the~~
13 ~~approval of the court, upon the number of peremptory~~
14 ~~challenges to be allowed, not to exceed four.~~

15 ~~(3)~~ (2) Peremptory challenges shall be taken as
16 provided in Rule 47(b), M.R.Civ.P."

-End-



