HOUSE JOINT RESOLUTION NO. 21

INTRODUCED BY MERCER, LORY, SPAETH

IN THE HOUSE

JANUARY	30,	1987	INTRODUCED	AND	REFERRED	то	COMMITTEE	
			ON JUDICIAN					

FEBRUARY 19, 1987 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

FEBRUARY 20, 1987 PRINTING REPORT.

FEBRUARY 21, 1987 SECOND READING, DO PASS.

FEBRUARY 23, 1987 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 91; NOES, 7.

TRANSMITTED TO SENATE.

INTRODUCED AND REFERRED TO COMMITTEE

IN THE SENATE

ON JUDICIARY.

MARCH 2, 1987

MARCH 18, 1987 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

MARCH 21, 1987 SECOND READING, CONCURRED IN.

MARCH 24, 1987 THIRD READING, CONCURRED IN. AYES, 41; NOES, 8.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 24, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

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LC 0467/01

INTRODUCED BY MERCER In Sport 1 2 3 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF 5 REPRESENTATIVES OF THE STATE OF MONTANA URGING THE SUPREME 6 COURT TO LIMIT EACH PARTY TO ONE PEREMPTORY CHALLENGE FOR SUBSTITUTION OF JUDGES. 7 8 9 WHEREAS, the disgualification and substitution of judges is a time-consuming and costly procedure; and 10 11 WHEREAS, the Supreme Court has, by an order dated June 29, 1981, allowed for two peremptory challenges by each 12 13 party in a civil case; and 14 WHEREAS, peremptory challenges for substitution of 15 judges are in addition to disgualifications of judges for 16 cause; and 17 WHEREAS, only one peremptory challenge per party for 18 substitution of a judge is allowed in a criminal case; and WHEREAS, the time has passed 19 for legislative 20 disapproval of the court order. 21 22 NOW. THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: 23 24 That the Supreme Court be urged to amend the rule on

peremptory challenges for the substitution of a judge in a

Montana Legislative Counce

l civil proceeding by limiting each party in a civil case to

2 one peremptory challenge.

3 BE IT FURTHER RESOLVED, that the Secretary of State

- 4 send a copy of this resolution to each Justice of the
- 5 Supreme Court.

-End-

INTRODUCED BILL -2-HTR 21

LC 0467/01

APPROVED BY COMMITTEE ON JUDICIARY

House JOINT RESOLUTION NO. 1 INTRODUCED BY MERCER In Spalt 2 3 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF

5 REPRESENTATIVES OF THE STATE OF MONTANA URGING THE SUPREME 6 COURT TO LIMIT EACH PARTY TO ONE PEREMPTORY CHALLENGE FOR 7 SUBSTITUTION OF JUDGES.

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9 WHEREAS, the disqualification and substitution of
10 judges is a time-consuming and costly procedure; and
11 WHEREAS, the Supreme Court has, by an order dated June
12 29, 1981, allowed for two peremptory challenges by each

13 party in a civil case; and

14 WHEREAS, peremptory challenges for substitution of 15 judges are in addition to disqualifications of judges for 16 cause; and

17 WHEREAS, only one peremptory challenge per party for 18 substitution of a judge is allowed in a criminal case; and 19 WHEREAS, the time has passed for legislative 20 disapproval of the court order.

21

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSEOF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Supreme Court be urged to amend the rule on peremptory challenges for the substitution of a judge in a



civil proceeding by limiting each party in a civil case to
 one peremptory challenge.

LC 0467/01

3 BE IT FURTHER RESOLVED, that the Secretary of State 4 send a copy of this resolution to each Justice of the 5 Supreme Court.

-End-

-2- SECOND READING HJR-21

LC 0467/01

HOUSE JOINT RESOLUTION NO. 21 INTRODUCED BY MERCER Sm Sparth 2 HOUSE OF

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF 5 REPRESENTATIVES OF THE STATE OF MONTANA URGING THE SUPREME 6 COURT TO LIMIT EACH PARTY TO ONE PEREMPTORY CHALLENGE FOR 7 SUBSTITUTION OF JUDGES.

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17 WHEREAS, only one peremptory challenge per party for 18 substitution of a judge is allowed in a criminal case; and 19 WHEREAS, the time has passed for legislative 20 disapproval of the court order.

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NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
OF REPRESENTATIVES OF THE STATE OF MONTANA:

24 That the Supreme Court be urged to amend the rule on25 peremptory challenges for the substitution of a judge in a

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civil proceeding by limiting each party in a civil case to
 one peremptory challenge.

3 BE IT FURTHER RESOLVED, that the Secretary of State 4 send a copy of this resolution to each Justice of the 5 Supreme Court.

-End-

-2- THIRD READING

LC 0467/01

HJR 0021/02

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5	REPRESENTATIVES OF THE STATE OF MONTANA URGING THE SUPREME	5	Supre	eme Co	ourt.	•						
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	Legislative Council								00	CEDEN		

HJR 21 REFERENCE BILL