

SENATE BILL NO. 258

INTRODUCED BY B. BROWN, GIACOMETTO, MAZUREK,  
KADAS, BISHOP

BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

IN THE SENATE

JANUARY 30, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON JUDICIARY.

FEBRUARY 10, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 11, 1987                   PRINTING REPORT.

FEBRUARY 13, 1987                   SECOND READING, DO PASS.

FEBRUARY 14, 1987                   ENGROSSING REPORT.

FEBRUARY 16, 1987                   THIRD READING, PASSED.  
AYES, 50; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 18, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON JUDICIARY.

MARCH 23, 1987                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 27, 1987                   SECOND READING, CONCURRED IN.

MARCH 28, 1987                   THIRD READING, CONCURRED IN.  
AYES, 92; NOES, 0.

RETURNED TO SENATE.

IN THE SENATE

MARCH 30, 1987                   RECEIVED FROM HOUSE.  
SENT TO ENROLLING.

1 Senate BILL NO. 258  
 2 INTRODUCED BY Bob Brown Hyacintha Mayumb  
 3 Kados BY REQUEST OF THE SENATE JUDICIARY COMMITTEE Bishop  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW  
 6 RELATING TO TRAINING OF JUSTICES OF THE PEACE; AND AMENDING  
 7 SECTIONS 3-10-202 AND 3-10-203, MCA."  
 8

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

10 Section 1. Section 3-10-202, MCA, is amended to read:  
 11 "3-10-202. Oath -- qualifications. (1) Each justice of  
 12 the peace, elected or appointed, after he has received his  
 13 certificate of election or appointment, shall, before  
 14 entering upon the duties of his office, take the  
 15 constitutional oath of office, which must be filed with the  
 16 county clerk.

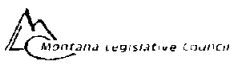
17 (2) Before the county clerk may file the oath, the  
 18 elected or appointed justice must satisfy the clerk that he  
 19 is either:

- 20 (a) an attorney at law authorized to practice law in
- 21 the state of Montana;
- 22 (b) a person who has held the office of justice of the
- 23 peace within the preceding 5 years; or
- 24 (c) a person who either has completed the orientation
- 25 course of study held under the direction of the university

1 ~~of-Montana-law-school~~ supreme court or has been excused by  
 2 the supreme court. If a person is appointed after the course  
 3 is offered, he must agree to take the course at the next  
 4 offering and failure to do so will disqualify him."

5 Section 2. Section 3-10-203, MCA, is amended to read:  
 6 "3-10-203. Orientation course -- annual training. (1)  
 7 ~~The-university--of--Montana--law--school,~~ Under the  
 8 supervision of the supreme court, ~~shall-present~~ a course of  
 9 study must be presented as soon as is practical following  
 10 each general election. Actual and necessary travel expenses,  
 11 as defined and provided in 2-18-501 through 2-18-503, and  
 12 the costs of registration and books and other materials  
 13 shall be paid to the elected or appointed justice of the  
 14 peace for attending the course by the county in which he  
 15 holds or will hold court and shall be charged against that  
 16 county.

17 (2) There shall be two mandatory annual training  
 18 sessions supervised by the supreme court for all elected and  
 19 appointed justices of the peace. One of the training  
 20 sessions may be held in conjunction with the Montana  
 21 magistrates' association convention. Actual and necessary  
 22 travel expenses, as defined and provided in 2-18-501 through  
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1 which he holds or will hold court and shall be charged  
2 against that county.

3 (3) Each justice of the peace shall attend the  
4 training sessions provided for in subsection (2). Failure to  
5 attend disqualifies him from office and creates a vacancy in  
6 the office. However, the supreme court may excuse a justice  
7 of the peace from attendance because of illness, a death in  
8 the family, or any other good cause."

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

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BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

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