

HOUSE BILL NO. 459

INTRODUCED BY J. BROWN, ADDY

IN THE HOUSE

JANUARY 26, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 27, 1989	FIRST READING.
FEBRUARY 9, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 10, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	SECOND READING, DO PASS.
FEBRUARY 13, 1989	ENGROSSING REPORT.
FEBRUARY 14, 1989	THIRD READING, PASSED. AYES, 89; NOES, 8.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 2, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 3, 1989	SECOND READING, CONCURRED IN.
MARCH 6, 1989	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 7, 1989	RECEIVED FROM SENATE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 459
2 INTRODUCED BY J. Brown Atty
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE USE OF
5 JURIES CONSISTING OF 12 PERSONS OR LESS IN FELONY CRIMINAL
6 ACTIONS UPON AGREEMENT OF THE PARTIES; AND AMENDING SECTIONS
7 3-15-106 AND 46-16-301, MCA."
8

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

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

11 "3-15-106. Number of a trial jury. (1) A trial jury
12 consists of 12 persons; ~~provided that, in civil actions and~~
13 ~~cases of misdemeanor, it may consist of 12~~ or it may consist
14 of any number less than 12 upon which the parties may agree
15 in open court.

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

20 **Section 2.** Section 46-16-301, MCA, is amended to read:

21 "46-16-301. Formation of trial jury. (1) Trial juries
22 for criminal actions are formed in the same manner as trial
23 juries in civil actions, except that the total number of
24 jurors drawn shall be at least 12 the number of jurors
25 needed plus the total number of peremptory challenges.

1 (2) The qualifications of jurors and excuses from jury
2 duty are prescribed in Title 3, chapter 15, part 3."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 459

INTRODUCED BY J. BROWN, ADDY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE USE OF JURIES CONSISTING OF 12 PERSONS OR LESS IN FELONY CRIMINAL ACTIONS UPON AGREEMENT OF THE PARTIES WITH THE COURT'S APPROVAL; AND AMENDING SECTIONS 3-15-106 AND 46-16-301, MCA."

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

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

"3-15-106. Number of a trial jury. (1) A trial jury consists of 12 persons, ~~provided that, in civil actions and cases of misdemeanor, it may consist of 12~~ or, WITH THE APPROVAL OF THE COURT, it may consist of any number less than 12 upon which the parties may agree in open court.

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

Section 2. Section 46-16-301, MCA, is amended to read:

"46-16-301. Formation of trial jury. (1) Trial juries for criminal actions are formed in the same manner as trial juries in civil actions, except that the total number of jurors drawn shall be at least ~~12~~ the number of jurors

needed plus the total number of peremptory challenges.

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