

1

HOUSE BILL NO. 74

2

INTRODUCED BY HOLLAND

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COURT OF RECORD TO ORDER THAT, IN CIVIL
5 ACTIONS, JURORS' FEES BE PAID BY THE PARTY DEMANDING THE JURY OR BE TAXED AS COSTS
6 AGAINST THE LOSING PARTY; AND AMENDING SECTION 3-15-205, MCA."

7

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

9

Section 1. Section 3-15-205, MCA, is amended to read:

"3-15-205. Costs of impaneling jury ~~after settlement reached~~. (1) In any a civil action before a court of record in which the parties substantially agree to a settlement of the issues prior to impanelment of the jury and either settle the action or stipulate to a continuance, and then fail or refuse to inform the court or clerk of court of ~~such~~ the settlement or request a continuance and a jury is impaneled, the court may, upon hearing, assess the reasonable public expenses of impaneling the jury, including jury fees and mileage expenses paid or owing under 3-15-201 and ~~such~~ other costs as may have been incurred by the court, against any party.

18 (2) In civil actions, the court may order that jurors' fees be paid by the party demanding the jury
19 or be taxed as costs against the losing party.

20 (3) Costs collected under this section shall must be deposited in the county general fund unless
21 the county has a district court fund. If the county has a district court fund, the costs must be deposited
22 in such the district court fund."

23

-END-



STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0074, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing a court of record to order that, in civil actions, jurors' fees be paid by the party demanding the jury or be taxed as costs against the losing party.

FISCAL IMPACT:

Passage of HB74 will have minimal fiscal impact on state government. Civil jury trials are somewhat rare in state government and, when they happen, the state is reasonably successful.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Potential cost savings exist for county governments; however, the facts needed to make an estimate are not readily available.

Dave Lewis 1-5-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Don J. Holland

DON HOLLAND, PRIMARY SPONSOR DATE

Fiscal Note for HB0074, as introduced

HB 74

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5 ACTIONS, JURORS' FEES BE PAID BY THE PARTY DEMANDING THE JURY OR BE TAXED AS COSTS
6 AGAINST THE LOSING PARTY PROVIDING THAT IN CIVIL ACTIONS, THE COURT SHALL NOTIFY THE
7 JURORS THAT THEY MAY IMPOSE ECONOMIC SANCTIONS IF THEY DETERMINE THE CASE TO BE
8 FRIVOLOUS OR BROUGHT FOR PURPOSES OF HARASSMENT; AND AMENDING SECTION 3-15-205,
9 MCA."

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15 court of record in which the parties substantially agree to a settlement of the issues prior to impanelment
16 of the jury and either settle the action or stipulate to a continuance, and ~~then~~ fail or refuse to inform the
17 court or clerk of court of ~~such~~ the settlement or request a continuance and a jury is impaneled, the court
18 may, upon hearing, assess the reasonable public expenses of impaneling the jury, including jury fees and
19 mileage expenses paid or owing under 3-15-201 and ~~such~~ other costs as may have been incurred by the
20 court, against any party.**

21 **(2) In civil actions, the court ~~may order that jurors' fees be paid by the party demanding the jury~~
22 ~~or be taxed as costs against the losing party~~ SHALL NOTIFY THE JURORS THAT THEY MAY IMPOSE
23 ECONOMIC SANCTIONS IF THEY DETERMINE THE CASE TO BE FRIVOLOUS OR BROUGHT FOR
24 PURPOSES OF HARASSMENT.**

25 **(3) Costs collected under this section ~~shall~~ must be deposited in the county general fund unless**
26 the county has a district court fund. If the county has a district court fund, the costs must be deposited
27 in ~~such~~ the district court fund."

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5 ~~ACTIONS, JURORS' FEES BE PAID BY THE PARTY DEMANDING THE JURY OR BE TAXED AS COSTS~~
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-END-

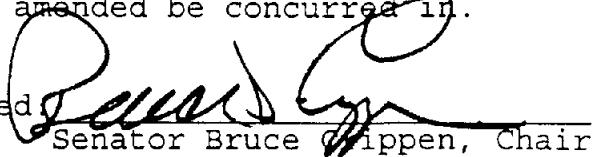
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 22, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration HB 74 (third reading copy -- blue), respectfully report that HB 74 be amended as follows and as so amended be concurred in.

Signed



Senator Bruce Grippen, Chair

That such amendments read:

1. Title, lines 6 and 7.

Following: "COURT" on line 6

Strike: remainder of line 6 through first "THEY" on line 7

2. Title, line 7.

Following: "MAY"

Strike: "IMPOSE ECONOMIC SANCTIONS"

Insert: "ASSESS THE REASONABLE PUBLIC EXPENSES OF IMPANELING THE JURY"

Following: "IF"

Strike: "THEY DETERMINE"

Insert: "IT DETERMINES"

Following: "CASE"

Insert: "OF THE PARTY REQUESTING THE JURY"

3. Page 1, lines 22 and 23.

Following: "party" on line 22

Strike: remainder of line 22 through "DETERMINE" on line 23

Insert: "may assess against the party requesting a jury the reasonable public expenses of impaneling the jury, including jury fees and mileage expenses paid or owing under 3-15-201 and other costs that may have been incurred by the court if the court determines that"

4. Page 1, line 23.

Following: "THE"

Insert: "party's"

Following: "CASE"

Strike: "TO BE"

Insert: "is"

-END-



HB 74

Amd. Coord.

Sec. of Senate



Senator Grippen
Senator Carrying Bill

SENATE

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17 of the jury and either settle the action or stipulate to a continuance; and then fail or refuse to inform the
18 court or clerk of court of such the settlement or request a continuance and a jury is impaneled, the court
19 may, upon hearing, assess the reasonable public expenses of impaneling the jury, including jury fees and
20 mileage expenses paid or owing under 3-15-201 and such other costs as may have been incurred by the
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24 ECONOMIC SANCTIONS IF THEY DETERMINE MAY ASSESS AGAINST THE PARTY REQUESTING A JURY
25 THE REASONABLE PUBLIC EXPENSES OF IMPANELING THE JURY, INCLUDING JURY FEES AND MILEAGE
26 EXPENSES PAID OR OWING UNDER 3-15-201 AND OTHER COSTS THAT MAY HAVE BEEN INCURRED
27 BY THE COURT IF THE COURT DETERMINES THAT THE PARTY'S CASE TO BE IS FRIVOLOUS OR
28 BROUGHT FOR PURPOSES OF HARASSMENT.

29 (3) Costs collected under this section shall must be deposited in the county general fund unless
30 the county has a district court fund. If the county has a district court fund, the costs must be deposited

1 in ~~such~~ the district court fund."

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-END-