

House BILL NO. *251*

INTRODUCED BY _____

Melland
Beaudry

J. Molina Ahner
Jack M. Wells
Jore

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IN CIVIL ACTIONS, THE COURT MAY ASSESS THE REASONABLE PUBLIC EXPENSES OF IMPANELING THE JURY IF THE COURT OR THE JURY DETERMINES THE CASE OF THE PARTY REQUESTING THE JURY TO BE FRIVOLOUS OR BROUGHT FOR PURPOSES OF HARASSMENT; AND AMENDING SECTION 3-15-205, MCA."

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

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 that may have been incurred by the court, against any party.

(2) In civil actions, the court 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 or the jury determines that the party's case is frivolous or brought for purposes of harassment.

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

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0251, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing that in civil actions, the court may assess the reasonable public expenses of impaneling the jury if the court or the jury determines the case of the party requesting the jury to be frivolous or brought for purposes of harassment.

ASSUMPTIONS:

1. The District Court Criminal Reimbursement Program provides reimbursement for certain District Court criminal expenses, not civil actions.

FISCAL IMPACT:

There is no fiscal impact to the state.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

There could be costs to the county in association with the collection of the assessment.

Dave Lewis 1-17-97

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

Don Holland 1-18-97

DON HOLLAND, PRIMARY SPONSOR DATE

Fiscal Note for HB0251, as introduced

HB 251

1 HOUSE BILL NO. 251

2 INTRODUCED BY HOLLAND, MOLNAR, AHNER, BEAUDRY, WELLS, JORE

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

19 (2) In civil actions, the court may assess against the A party requesting a jury the reasonable public
20 expenses of impaneling the A jury, including jury fees and mileage expenses paid or owing under 3-15-201
21 and other costs that may have been incurred by the court, if the court or the jury determines that the
22 party's case is frivolous or brought for purposes of harassment. THE COURT SHALL INSTRUCT THE JURY
23 REGARDING THE PROVISIONS OF THIS SUBSECTION.

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

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