

SENATE BILL NO. 127

INTRODUCED BY C. FRIEDEL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS ON THE SELECTION OF MUNICIPAL COURT JUDGES; ELIMINATING THE ABILITY OF A MUNICIPAL COURT JUDGE TO APPOINT A PART-TIME ASSISTANT JUDGE; ~~AND~~ AMENDING SECTION 3-6-201, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 3-6-201, MCA, is amended to read:

"3-6-201. Number of judges -- election -- term of office -- chief judge -- duties of chief judge -- assistant judge. (1) The governing body of a city shall determine by ordinance the number of judges required to operate the municipal court.

(2) A municipal court judge ~~who is not a part-time assistant judge appointed under subsection (6)~~ must be elected at the general election, as provided in 13-1-104(3). The judge's term commences on the first Monday in January following the election. The judge shall hold office for the term of 4 years and until a successor is elected and qualified.

(3) Except as provided in subsection (2), all elections of municipal court judges are governed by the laws applicable to the election of district court judges.

(4) (a) If there is more than one municipal court judge, the judges shall adopt a procedure by which they either:

(i) select a chief municipal court judge at the beginning of each calendar year; or

(ii) select a chief municipal court judge for a specific period of time.

(b) If the judges cannot agree, the judge with the most seniority shall serve as the chief municipal court judge.

(5) The chief municipal court judge shall provide for the efficient management of the court, in cooperation with the other judge or judges, if any, and shall:

1 (a) maintain a central docket of the court's cases;

2 (b) provide for the distribution of cases from the central docket among the judges, if there is more
3 than one judge, in order to equalize the work of the judges;

4 (c) request the jurors needed for cases set for jury trial;

5 (d) if there is more than one judge, temporarily reassign or substitute judges among the departments
6 as necessary to carry out the business of the court; and

7 (e) supervise and control the court's personnel and the administration of the court.

8 ~~(6) A municipal court judge may, with the approval of the governing body of the city, appoint a part-~~
9 ~~time assistant judge, who must have the same qualifications as a judge pro tempore under 3-6-204, to serve~~
10 ~~during the municipal court judge's term of office. An order by a part-time assistant judge has the same force and~~
11 ~~effect as an order of a municipal court judge."~~

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13 NEW SECTION. Section 2. Effective date. [This act] is effective 1 year after passage and approval.

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