

SENATE BILL NO. 147

INTRODUCED BY F. THOMAS

BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE BOUNDARIES OF JUDICIAL DISTRICTS, THE NUMBER OF JUDICIAL DISTRICTS, AND THE NUMBER OF JUDGES IN CERTAIN JUDICIAL DISTRICTS; AND AMENDING SECTIONS 3-5-101 AND 3-5-102, MCA."

WHEREAS, because of a dramatic population shift in Montana and a corresponding change in caseloads, judicial districts have become increasingly unequal in the caseloads experienced by each judge; and

WHEREAS, judicial districts are not subject to the "one person, one vote" principle but should have a correlation between caseload, distance, and allocation of judicial officers; and

WHEREAS, the number of judicial districts can be reduced by two districts while retaining and reallocating the same number of judges; and

WHEREAS, under this proposal, some of the judges in the rural areas will retain a caseload that is over 30% less than average but will have a greater area to cover; and

WHEREAS, this proposal complies with Article VII, section 6, of the Montana Constitution, which provides that the Legislature may change the number and boundaries of judicial districts and the number of judges in each district, but no change in boundaries or the number of districts or judges therein shall work a removal of any judge from office during the term for which the judge was elected or appointed.

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

Section 1. Section 3-5-101, MCA, is amended to read:

"3-5-101. Judicial districts defined. (1) ~~In~~ Subject to subsection (2), in this state, there are 22 judicial districts, distributed as follows:

~~(1)(a)~~ 1st district: Lewis and Clark and Broadwater Counties;

~~(2)(b)~~ 2nd district: Silver Bow County;

~~(3)(c)~~ 3rd district: Deer Lodge, Granite, and Powell Counties;

~~(4)(d)~~ 4th district: Missoula and Mineral Counties;

- 1 ~~(5)~~(e) 5th district: Beaverhead, Jefferson, and Madison Counties;
2 ~~(6)~~(f) 6th district: Park and Sweet Grass Counties;
3 ~~(7)~~(g) 7th district: Dawson, McCone, Richland, Prairie, and Wibaux Counties;
4 ~~(8)~~(h) 8th district: Cascade County;
5 ~~(9)~~(i) 9th district: Teton, Pondera, Toole, and Glacier Counties;
6 ~~(10)~~(j) 10th district: Fergus, Judith Basin, and Petroleum Counties;
7 ~~(11)~~(k) 11th district: Flathead County;
8 ~~(12)~~(l) 12th district: Liberty, Hill, and Chouteau Counties;
9 ~~(13)~~(m) 13th district: Yellowstone County;
10 ~~(14)~~(n) 14th district: Meagher, Wheatland, Golden Valley, and Musselshell Counties;
11 ~~(15)~~(o) 15th district: Roosevelt, Daniels, and Sheridan Counties;
12 ~~(16)~~(p) 16th district: Custer, Carter, Fallon, Powder River, Garfield, Treasure, and Rosebud Counties;
13 ~~(17)~~(q) 17th district: Phillips, Blaine, and Valley Counties;
14 ~~(18)~~(r) 18th district: Gallatin County;
15 ~~(19)~~(s) 19th district: Lincoln County;
16 ~~(20)~~(t) 20th district: Lake and Sanders Counties;
17 ~~(21)~~(u) 21st district: Ravalli County;
18 ~~(22)~~(v) 22nd district: Stillwater, Carbon, and Big Horn Counties.
19 (2) Beginning January 1, 2006, there are 20 judicial districts in this state, distributed as follows:
20 (a) 1st district: Lewis and Clark County;
21 (b) 2nd district: Silver Bow, Beaverhead, Jefferson, and Madison Counties;
22 (c) 3rd district: Deer Lodge, Granite, and Powell Counties;
23 (d) 4th district: Missoula and Mineral Counties;
24 (e) 5th district: Ravalli County;
25 (f) 6th district: Park and Sweet Grass Counties;
26 (g) 7th district: Dawson, McCone, Richland, Prairie, Wibaux, Roosevelt, and Sheridan Counties;
27 (h) 8th district: Cascade County;
28 (i) 9th district: Teton, Pondera, Toole, and Glacier Counties;
29 (j) 10th district: Fergus, Judith Basin, and Petroleum Counties;
30 (k) 11th district: Flathead County;

1 (l) 12th district: Liberty, Hill, and Chouteau Counties;

2 (m) 13th district: Yellowstone County;

3 (n) 14th district: Broadwater, Meagher, Wheatland, Golden Valley, and Musselshell Counties;

4 (o) 15th district: Stillwater, Carbon, and Big Horn Counties;

5 (p) 16th district: Custer, Carter, Fallon, Powder River, Garfield, Treasure, and Rosebud Counties;

6 (q) 17th district: Blaine, Phillips, Valley, and Daniels Counties;

7 (r) 18th district: Gallatin County;

8 (s) 19th district: Lincoln County;

9 (t) 20th district: Lake and Sanders Counties."

10
11 **Section 2.** Section 3-5-102, MCA, is amended to read:

12 **"3-5-102. Number of judges.** (1) ~~In~~ Subject to subsection (2), in each judicial district, there must be
13 the following number of judges of the district court:

14 ~~(1)~~(a) in the 2nd, 7th, 16th, 18th, 20th, and 21st districts, two judges each;

15 ~~(2)~~(b) in the 1st and 11th districts, three judges each;

16 ~~(3)~~(c) in the 4th and 8th districts, four judges;

17 ~~(4)~~(d) in the 13th district, five judges;

18 ~~(5)~~(e) in all other districts, one judge each.

19 (2) Beginning January 1, 2006, in each judicial district, there must be the following number of judges
20 of the district court:

21 (a) in the 2nd, 5th, 7th, 16th, 18th, and 20th districts, two judges each;

22 (b) in the 11th district, three judges;

23 (c) in the 1st, 4th, and 8th districts, four judges;

24 (d) in the 13th district, six judges;

25 (e) in all other districts, one judge each."

26 - END -