

Amendments to Senate Bill No. 251
1st Reading Copy

Requested by Senator Jerry O'Neil

For the Senate Judiciary Committee

Prepared by Valencia Lane
February 1, 2005 (2:02pm)

1. Title, line 5.

Following: "ACTIONS"

Insert: "IN COURTS OF LIMITED JURISDICTION"

2. Page 1, lines 10 and 11.

Following: "If" on line 10

Strike: ", " on line 10 through "action," on line 11

3. Page 1, line 11.

Following: "party"

Insert: "to a civil action timely"

4. Page 1, line 14.

Following: "instruction."

Insert: "(1)"

5. Page 1, line 15.

Strike: "12" in two places

Insert: "30" in two places

6. Page 1, line 16.

Following: line 15

Insert: "(2) [Section 1] is intended to be codified as an integral part of Title 25, chapter 33, part 1, and the provisions of Title 25, chapter 33, part 1, apply to [section 1]."

- END -

(OVER)

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SENATE BILL NO. 251
INTRODUCED BY J. O'NEIL

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE IMMEDIATE APPEAL OF A DENIAL OF A
^{IN COURTS OF LIMITED JURISDICTION}
REQUEST FOR A JURY TRIAL IN CIVIL ACTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND
AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Immediate appeal of denial of request for jury trial – civil action. If ~~at any time before trial in a civil action~~ ^{to a civil action timely} a party requests a jury trial and the court denies the request, the court order denying a jury trial is considered a final order and is immediately appealable.

NEW SECTION. Section 2. Codification instruction. ⁽¹⁾ [Section 1] is intended to be codified as an integral part of Title 25, chapter ~~12~~ ³⁰, part 1, and the provisions of Title 25, chapter ~~12~~ ³⁰, part 1, apply to [section 1].

MUNI COURT

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 4. Applicability. [This act] applies to actions commenced on or after [the effective date of this act].

- END -

⁽²⁾ [Section 1] is intended to be codified as an integral part of Title 25, chapter 33, part 1, and the provisions of Title 25, chapter 33, part 1, apply to [section 1].

Justices' & city COURTS

