

HOUSE BILL NO. 165

INTRODUCED BY K. PETERSON

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A CANDIDATE FOR THE OFFICE OF JUDGE OF THE DISTRICT COURT TO DEMONSTRATE AT THE TIME OF FILING CERTAIN MINIMUM TRIAL EXPERIENCE QUALIFICATIONS; AND AMENDING SECTION 3-5-202, MCA."

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

Section 1. Section 3-5-202, MCA, is amended to read:

"3-5-202. Qualifications and residence. (1) ~~No person~~ An individual is not eligible for the office of judge of a district court unless he is the individual:

(a) is a citizen of the United States;

(b) has resided in the state 2 years immediately before taking office; and

(c) has been admitted to practice law in Montana for at least 5 years prior to the date of appointment or election;

(d) has tried, to judgment, at least five of each of the following legal actions in the following capacities:

(i) as counsel for a plaintiff in a civil action, at least one of which was to a jury in district court as lead counsel;

(ii) as counsel for a defendant in a civil action, at least one of which was to a jury in district court as lead counsel;

(iii) as counsel for a defendant in a criminal prosecution, at least one of which was to a jury in district court as lead counsel;

(iv) as counsel for the prosecution in a criminal prosecution, at least one of which was to a jury in district court as lead counsel;

(v) as counsel for the petitioner in an action for dissolution of marriage, at least one in which children of the marriage are involved; and

(vi) as counsel for the respondent in an action for dissolution of marriage, at least one in which children of the marriage are involved.

(2) The qualifications required by subsection (1)(d) do not apply to a judge who is a sitting incumbent



1 on October 1, 2007, who does not have a break in service in the judge's position held on that date.

2 (3) The qualifications required by subsection (1)(d) must be demonstrated in a affidavit filed by the  
3 candidate, with supporting documentation, at the time of the candidate's filing, with the secretary of state or the  
4 judicial qualification commission, for election or appointment.

5 ~~(2)~~(4) A candidate for judge of a district court need not be a resident of the district for which he the  
6 candidate is elected or appointed at the time of his the candidate's election or appointment, but after his the  
7 candidate's election or appointment, he the candidate must shall reside in the district for which he the candidate  
8 is elected or appointed during his the candidate's term of office."

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