

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ALL PROSECUTIONS CHARGING A FELONY TO BE  
5 COMMENCED IN DISTRICT COURT; AND AMENDING SECTIONS 3-6-103, 3-10-303, 3-11-102, 46-10-105,  
6 AND 46-11-101, MCA."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9  
10 **Section 1.** Section 3-6-103, MCA, is amended to read:

11 **"3-6-103. Jurisdiction.** (1) The municipal court has jurisdiction coordinate and coextensive with the  
12 justices' courts of the county where the city is located and has exclusive original jurisdiction of all civil and criminal  
13 actions and proceedings provided for in 3-11-103.

14 (2) Municipal courts have concurrent jurisdiction with the district court in actions arising under Title 70,  
15 chapters 24 through 27.

16 (3) Applications for search warrants ~~and complaints charging the commission of a felony~~ may be filed  
17 in municipal court. The municipal court judge has the same jurisdiction and responsibility as a justice of the  
18 peace, including holding preliminary hearings. ~~The city attorney may initiate proceedings charging a felony if the~~  
19 ~~offense was committed within the city limits, but the county attorney shall take charge of the action if an~~  
20 ~~information is filed in district court."~~

21  
22 **Section 2.** Section 3-10-303, MCA, is amended to read:

23 **"3-10-303. Criminal jurisdiction.** (1) The justices' courts have jurisdiction of public offenses committed  
24 within the respective counties in which the courts are established as follows:

25 (a) except as provided in subsection (2), jurisdiction of all misdemeanors punishable by a fine not  
26 exceeding \$500 or imprisonment not exceeding 6 months, or both;

27 (b) jurisdiction of all misdemeanor violations of fish and game statutes punishable by a fine of not more  
28 than \$1,000 or imprisonment for not more than 6 months, or both;

29 (c) concurrent jurisdiction with district courts of all misdemeanors punishable by a fine exceeding \$500  
30 or imprisonment exceeding 6 months, or both;

1 (d) concurrent jurisdiction with district courts of all misdemeanor violations of fish and game statutes  
2 punishable by a fine exceeding \$1,000 or imprisonment exceeding 6 months, or both;

3 (e) jurisdiction, in misdemeanor cases, to act as examining and committing courts and for that purpose  
4 to conduct preliminary hearings;

5 (f) jurisdiction of all violations of Title 61, chapter 10; and

6 (g) all misdemeanor violations of Title 81, chapter 8, part 2.

7 (2) In any county that has established a drug court, the district court, with the consent of all judges of the  
8 courts of limited jurisdiction in the county, has concurrent jurisdiction of all misdemeanors punishable by a fine  
9 not exceeding \$500 or imprisonment not exceeding 6 months, or both."

10

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

12 **"3-11-102. Concurrent jurisdiction.** (1) The city court has concurrent jurisdiction with the justice's court  
13 of all misdemeanors and proceedings mentioned and provided for under chapter 10, part 3, of this title.

14 (2) Applications for search warrants ~~and complaints charging the commission of a felony~~ may be filed  
15 in the city court. When they are filed, the city judge has the same jurisdiction and responsibility as a justice of the  
16 peace, including the holding of a preliminary hearing. The city attorney may file an application for a search  
17 warrant ~~or a complaint charging the commission of a felony~~ when the offense was committed within the city limits.  
18 ~~The county attorney, however, must handle any action after a defendant is bound over to district court."~~

19

20 **Section 4.** Section 46-10-105, MCA, is amended to read:

21 **"46-10-105. Preliminary examination -- when held.** After the initial appearance, in all cases in which  
22 the charge is triable in district court, the justice's district court shall, within a reasonable time, hold a preliminary  
23 examination unless:

24 (1) the defendant waives a preliminary examination;

25 (2) the district court has granted leave to file an information; or

26 (3) an indictment has been returned; ~~or~~

27 ~~(4) the case is triable in justice's court."~~

28

29 **Section 5.** Section 46-11-101, MCA, is amended to read:

30 **"46-11-101. Methods of commencing prosecution.** (1) A prosecution may be commenced by:

