SENATE JUDICIARY
EXHIBIT NO. 4
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BILL NO. HB242

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HB242 FACT SHEET

HB242 proposes four changes to the current juror payment process.

1. (*Section 1 on Page 1, Line 19 re: §3-5-510 MCA; Section 2 on Page 1, Line 25 re: §3-15-201 (1) MCA; Section 3 on Page 2, Lines 3, 4 & 12 re: §3-15-204 (1) MCA*)

   This change addresses a discrepancy in mileage reimbursement calculations for those jurors who appear for service in courts of record, those jurors who appear in courts not of record and coroner inquests and other persons who are entitled to the mileage allowance provided for under §2-18-503 MCA. The table below represents how, by statute, mileage is to be calculated for each.

Who Receives Mileage	Courts/Persons	Statute Provision	How Calculated
Jurors in courts of record	District Court Municipal Court	§3-15-201 (1) MCA	Distance between residence and the county seat
Jurors in courts not of record and coroner's inquests	Justice Court City Court Coroner's Inquest	§3-15-203 (1) MCA	Distance between residence and the court
Persons entitled to mileage paid from public funds	Legislature State Officers State Employees Jurors Witnesses County Agents	§2-18-503 (1) MCA	Distance actually traveled by motor vehicle

   To correct this discrepancy, HB242 amends §3-15-201 (1) MCA and §3-15-204 (1) MCA to reflect calculation of juror mileage from residence to the court. Jurors play a very important role in our justice system and are deserving of fair compensation for their time and service. It is only fitting that jurors be compensated for mileage from their residence to the court. HB242 ensures that jurors receive such compensation.

2. (*Section 3 on Page 2, Lines 5-6 and 13-14, re: §3-15-204 (2) MCA*)

   This change removes language from §3-15-204(2) requiring the Clerk of Court to sign juror checks and replaces it with language stating only that the jurors are to receive a county warrant. This language change provides flexibility for jurors to be paid either by the Clerk of Court or through the county claims process. A survey of

the Clerks of District Court to determine the current method for paying jurors in the District Court across the 56 Montana counties revealed the following:

Claims Process – County Issues Jury Checks	Clerk of Court Issues Jury Checks
25	31

Additionally, most, if not all, of the county courts of limited jurisdiction currently pay jurors through the county claims process. Utilizing the county claims process improves consistency of payment for all courts and provides check processing and reconciliation in one central office in the county.

3. (*Section 1 on Page 1, Lines 14-16, re: §3-5-510 MCA*)

   Should checks be issued through the county claims process, the need for the Clerk of Court to maintain the book of juror warrants required under §3-5-510 MCA would no longer be necessary.

4. (*Section 3 on Page 2, Lines 5 and 13, re: §3-15-204 (2) MCA*)

   This change removes the requirement for jurors to receive payment at the time they are excused from service. Immediate payment of jurors, while not completely impossible, is very impractical. No matter the size of the county, it is extremely difficult to provide immediate payment to jurors and is no longer a realistic expectation. There are so many details to which the Clerk of Court's office must attend during a jury trial. Many offices are not staffed sufficiently to allow for one clerk to be in attendance in court proceedings while another attends to trial details in the office as well as the regular district court business, and assisting the public with their needs at the front counter. Until roll has been called, the Clerk doesn't know for sure who is in attendance and needs to be paid. To ensure accurate payment of jurors, calculation of jury payment should be done at the end of a trial, absent the chaos and interruptions encountered during a jury trial.