

HOUSE BILL NO. 480

INTRODUCED BY M. MENAHAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE APPOINTMENT OF A JUSTICE OF THE PEACE
5 FOR A JUSTICE'S COURT NOT OF RECORD, ANY ATTORNEY, OR THE CLERK OF THE JUSTICE'S COURT
6 OF RECORD TO ACT AS A JUDGE PRO TEMPORE IN A JUSTICE'S COURT OF RECORD; AND AMENDING
7 SECTION 3-10-116, MCA."

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

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11 **Section 1.** Section 3-10-116, MCA, is amended to read:

12 **"3-10-116. Disqualification of justice of peace for justice's court of record -- judge pro tempore.**

13 (1) When a justice of the peace for a justice's court of record has been disqualified or is sick or unable to act, the
14 justice shall call in another justice of the peace for a justice's court of record, ANOTHER JUSTICE OF THE PEACE FOR
15 A JUSTICE'S COURT NOT OF RECORD, a municipal court judge, a retired justice of the peace for a justice's court of
16 record, a retired municipal court judge, ~~or an attorney, of the county in which the court is located~~ or the clerk of
17 the justice's court of record to act as a judge pro tempore.

18 (2) (a) The Except as provided in subsection (2)(b), the judge pro tempore has the same power and
19 authority as the justice of the peace for the justice's court of record.

20 (b) A clerk of a justice's court of record acting as a judge pro tempore may not preside over a trial but
21 may preside over an initial appearance."

22 - END -