



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

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

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

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

(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 justice shall call in another justice of the peace for a justice's court of record, another justice of the peace for a justice's court not of record, a municipal court judge, a retired justice of the peace for a justice's court of record, a retired municipal court judge, ~~or an attorney, of the county in which the court is located~~ or the clerk of the justice's court of record to act as a judge pro tempore.

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

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

- END -

I hereby certify that the within bill,
HB 0480, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2011.

President of the Senate

Signed this _____ day
of _____, 2011.

HOUSE BILL NO. 480

INTRODUCED BY M. MENAHAN

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