

SENATE BILL NO. 192

INTRODUCED BY N. SWANDAL

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING MUNICIPAL COURT PROCEDURE; CLARIFYING THAT A MINIMUM FINE NOT EXCEEDING \$300 MUST BE MET BEFORE THE DISTRICT COURT HAS JURISDICTION TO HEAR THE APPEAL UNLESS THE JUDGMENT INCLUDES INCARCERATION; PROVIDING A PROCEDURE FOR AN AGGRIEVED PARTY TO FILE A PETITION ASKING THE DISTRICT COURT TO HEAR THEIR APPEAL UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 25-30-108, MCA."

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

**Section 1.** Section 25-30-108, MCA, is amended to read:

**"25-30-108. Appeals.** (1) A party may appeal to district court from a judgment of municipal court.

(2) Appeal from a municipal court may be limited by requiring by ordinance that a minimum ~~amount in~~ controversy fine, not to exceed ~~\$200~~ \$300, be met before the district court has jurisdiction to hear the appeal, except if the judgment includes incarceration, no minimum fines may be required for appeal. If the judgment does not include incarceration and the fine is less than \$300, except upon petition by an aggrieved party, the district court may upon petition by an aggrieved party, in the interests of justice, accept appeal jurisdiction notwithstanding the amount in controversy."

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