

Unofficial Draft Copy

As of: July 19, 2012 (2:57pm)

LC7001

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act giving full faith and credit to tribal court judgments; amending sections 25-9-502, and 27-2-201, MCA."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 25-9-502, MCA, is amended to read:

"25-9-502. Definition. In this part, "foreign judgment" means a judgment, decree, or order of a court of the United States, of a tribal court of a federally recognized tribe or state recognized tribe, band, or Alaskan native village, or of any other court which is entitled to full faith and credit in this state."

{*Internal References to 25-9-502: None.*}

Section 2. Section 27-2-201, MCA, is amended to read:

"27-2-201. Actions upon judgments. (1) Except as provided in subsections (3) through (5), the period prescribed for the commencement of an action upon a judgment or decree of any court of record of the United States, or of any state within the United States, or of a tribal court of a federally recognized tribe or state recognized tribe, band, or Alaskan native village, is within 10 years.

(2) The period prescribed for the commencement of an action upon a judgment or decree rendered in a court not of record is within 10 years. The cause of action is considered, in that case, to have accrued when final judgment was rendered.

(3) The period prescribed for the commencement of an action to collect past-due child support that has accrued after October 1, 1993, under an order entered by a court of record or administrative authority is within 10 years of the termination of support obligation or within 10 years from entry of a lump-sum judgment or order for support arrears, whichever is later.

(4) The period prescribed for the commencement of an action to collect past-due child support that has accrued under a support order issued in another state, in a foreign country, or in a tribal court is as provided in subsection (3) or as provided in the law of the issuing jurisdiction, whichever period is longer.

(5) An action under 46-18-247(3) to enforce an order of restitution entered by a court of record may be commenced at any time within the offender's lifetime during which restitution remains unpaid."

{ Internal References to 27-2-201:
25-13-101 }

NEW SECTION. **Section 3. {standard} Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

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{Name : Dan Whyte
Title : Legislative Attorney
Agency: Legislative Services Division
Phone : 4024
E-Mail: dwhyte@mt.gov}