

CONSTITUTIONAL AMENDMENTS

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO THE CONSTITUTION OF MONTANA TO ELIMINATE THE CONSTITUTIONAL STATUS OF JUSTICE OF THE PEACE COURTS, POLICE COURTS AND MUNICIPAL COURTS BY DELETING CERTAIN SPECIFIC REFERENCES TO SUCH COURTS IN THE CONSTITUTION BY AMENDING SECTIONS 8 AND 23, ARTICLE III AND SECTIONS 1 AND 34, ARTICLE VIII AND BY REPEALING SECTIONS 20, 21, 22, 23 AND 24, ARTICLE VIII.

SECTION 1. SECTION 8, ARTICLE III OF THE CONSTITUTION OF THE STATE OF MONTANA IS AMENDED TO READ AS FOLLOWS:

"SECTION 8. CRIMINAL OFFENSES SHALL, IN ALL COURTS INFERIOR TO THE DISTRICT COURT, BE PROSECUTED BY COMPLAINT. ALL CRIMINAL ACTIONS IN THE DISTRICT COURT, EXCEPT THOSE ON APPEAL, SHALL BE PROSECUTED BY INFORMATION, AFTER EXAMINATION AND COMMITMENT BY A MAGISTRATE, OR AFTER LEAVE GRANTED BY THE COURT, OR SHALL BE PROSECUTED BY INDICTMENT WITHOUT SUCH EXAMINATION OR COMMITMENT, OR WITHOUT SUCH LEAVE OF THE COURT. A GRAND JURY SHALL CONSIST OF SEVEN PERSONS, OF WHOM FIVE MUST CONCUR TO FIND AN INDICTMENT.

"A GRAND JURY SHALL ONLY BE DRAWN AND SUMMONED WHEN THE DISTRICT JUDGE SHALL, IN HIS DISCRETION, CONSIDER IT NECESSARY, AND SHALL SO ORDER."

SECTION 2. SECTION 23, ARTICLE III OF THE CONSTITUTION OF THE STATE OF MONTANA IS AMENDED TO READ AS FOLLOWS:

"SECTION 23. THE RIGHT OF TRIAL BY JURY SHALL BE SECURED TO ALL, AND REMAIN INVIO-LATE, BUT IN ALL CIVIL CASES AND IN ALL CRIMINAL CASES NOT AMOUNTING TO FELONY, UPON DE-Fault OF APPEARANCE, OR BY CONSENT OF THE PARTIES EXPRESSED IN SUCH MANNER AS THE LAW MAY PRESCRIBE, A TRIAL BY JURY MAY BE WAIVED, OR A TRIAL HAD BY ANY LESS NUMBER OF JURORS THAN THE NUMBER PROVIDED BY LAW. IN ALL CIVIL ACTIONS AND IN ALL CRIMINAL CASES NOT AMOUNTING TO FELONY, TWO-THIRDS IN NUMBER OF THE JURY MAY RENDER A VERDICT, AND SUCH VERDICT SO RENDERED SHALL HAVE THE SAME FORCE AND EFFECT AS IF ALL SUCH JURY CON-CURRED THEREIN."

SECTION 3. SECTION 1, ARTICLE VIII OF THE CONSTITUTION OF THE STATE OF MONTANA IS AMENDED TO READ AS FOLLOWS:

"SECTION 1. THE JUDICIAL POWER OF THE STATE SHALL BE VESTED IN THE SENATE SITTING AS A COURT OF IMPEACHMENT, IN A SUPREME COURT, DISTRICT COURTS, AND SUCH OTHER COURTS AS THE LEGISLATIVE ASSEMBLY MAY ESTABLISH."

SECTION 4. SECTION 34, ARTICLE VIII OF THE CONSTITUTION OF THE STATE OF MONTANA IS AMENDED TO READ AS FOLLOWS:

SECTION 34. VACANCIES IN THE OFFICE OF JUSTICE OF THE SUPREME COURT, OR JUDGE OF THE DISTRICT COURT, OR CLERK OF THE SUPREME COURT, SHALL BE FILLED BY APPOINTMENT, BY THE GOVERNOR OF THE STATE, AND VACANCIES IN THE OFFICES OF COUNTY ATTORNEY, AND CLERK OF THE DISTRICT COURT, SHALL BE FILLED BY APPOINTMENT, BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY WHERE SUCH VACANCY OCCURS. A PERSON APPOINTED TO FILL ANY SUCH VACANCY SHALL HOLD HIS OFFICE UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR IS ELECTED AND QUALIFIED. A PERSON ELECTED TO FILL A VACANCY SHALL HOLD OFFICE UNTIL THE EXPIRATION OF THE TERM FOR WHICH THE PERSON HE SUCCEEDS WAS ELECTED."

SECTION 5. SECTIONS 20, 21, 22, 23, AND 24, ARTICLE VIII OF THE CONSTITUTION OF THE STATE OF MONTANA ARE REPEALED.

FOR THE ABOVE AMENDMENT
AND REPEAL

AGAINST THE ABOVE AMENDMENT
AND REPEAL