

## 1 HOUSE BILL NO. 239

2 INTRODUCED BY B. LER, C. KNUDSEN, R. KNUDSEN, J. KASSMIER, P. TUSS, G. KMETZ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO WHO MAY SERVE AS A JUDGE  
5 PRO TEMPORE IN JUSTICES' COURTS; AMENDING SECTION 3-10-116, MCA; AND PROVIDING AN  
6 IMMEDIATE EFFECTIVE DATE."

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

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

11 **"3-10-116. Disqualification of justice of peace for justice's court of record -- judge pro tempore.**

12 (1) When a justice of the peace for a justice's court of record has been disqualified or is sick or unable to act,  
13 the justice shall call in another justice of the peace for a justice's court of record, another justice of the peace for  
14 a justice's court not of record, a municipal court judge, a judge for a city court of record, a judge for a city court  
15 not of record, a retired justice of the peace for a justice's court of record, a retired municipal court judge, a  
16 retired judge for a city court of record, ~~an~~ a licensed Montana attorney on active, inactive, or senior status, or  
17 the clerk of the justice's court of record to act as a judge pro tempore.

18 (2) (a) 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  
21 but may preside over an initial appearance."  
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23 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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