



AN ACT REVISING CHANGE OF ATTORNEY LAWS; PROVIDING THAT THE REQUIREMENTS FOR CHANGING AN ATTORNEY DO NOT APPLY TO PUBLIC DEFENDERS APPOINTED UNDER THE MONTANA PUBLIC DEFENDER ACT; AND AMENDING SECTION 37-61-403, MCA."

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

**Section 1.** Section 37-61-403, MCA, is amended to read:

**"37-61-403. Change of attorney.** (1) The attorney in an action or special proceeding may be changed at any time before or after judgment or final determination, as follows:

(1)(a) ~~upon-on~~ consent of both client and attorney, filed with the clerk or entered ~~upon-on~~ the minutes;  
or

(2)(b) ~~upon-on~~ the order of the court, ~~upon-on~~ the application of either client or attorney, after notice from one to the other.

(2) The provisions of this section do not apply to assignments or reassignments of a public defender by the office of state public defender in which the office of state public defender is appointed pursuant to the Montana Public Defender Act, Title 47, chapter 1."

- END -

I hereby certify that the within bill,  
HB 46, originated in the House.

---

Chief Clerk of the House

---

Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2025.

---

President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2025.

HOUSE BILL NO. 46

INTRODUCED BY J. REAVIS

BY REQUEST OF THE OFFICE OF PUBLIC DEFENDER

AN ACT REVISING CHANGE OF ATTORNEY LAWS; PROVIDING THAT THE REQUIREMENTS FOR CHANGING AN ATTORNEY DO NOT APPLY TO PUBLIC DEFENDERS APPOINTED UNDER THE MONTANA PUBLIC DEFENDER ACT; AND AMENDING SECTION 37-61-403, MCA."