

1 SENATE JOINT RESOLUTION NO. 39

2 INTRODUCED BY T. MCGILLVRAY, B. MERCER

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY OF SPECIALTY COURTS; AND REQUIRING THAT THE
6 FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

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8 WHEREAS, Montana's district courts are experiencing heavy caseloads, particularly in areas of family
9 law, youth in need of care, and criminal matters; and

10 WHEREAS, constitutional claims and claims involving state government present unique procedural and
11 legal complexities that may benefit from resolution by a specialized tribunal; and

12 WHEREAS, a specialty court may provide focused judicial expertise, promote efficiency, and reduce
13 burdens on the general district court system; and

14 WHEREAS, Article VII, section 1, of the Montana Constitution allows for "such other courts as may be
15 provided by law"; and

16 WHEREAS, Article VII, section 4, of the Montana Constitution allows for other courts to have
17 "jurisdiction concurrent with that of the district court as may be provided by law"; and

18 WHEREAS, the Montana Legislature has used this constitutional authority to create other courts,
19 including the water court, asbestos claims court, workers' compensation court, small claims courts, municipal
20 courts, and city courts; and

21 WHEREAS, a study is necessary to determine whether the creation of a specialty court would promote
22 judicial efficiency, ensure fair outcomes for litigants, and support the district courts' ability to prioritize high-need
23 cases.

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25 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
26 THE STATE OF MONTANA:

27 That the Legislative Council be requested to designate an appropriate interim committee or statutory
28 committee, pursuant to section 5-5-217, MCA, to:

1 (1) examine Montana's current judicial structure, including the scope and impact of the district
2 courts' caseloads, with a focus on family law, youth in need of care, dependency and neglect, and criminal
3 proceedings;

4 (2) review specialty court models used in other states, including courts or panels designated to
5 hear constitutional claims or claims involving state agencies and officials;

6 (3) analyze the feasibility, potential structure, jurisdiction, and implementation of a specialty court
7 in Montana for resolving constitutional and government claims;

8 (4) assess how a constitutional and government claims court might alleviate burdens on district
9 courts, enhance judicial efficiency, and improve access to justice for all Montanans;

10 (5) calculate potential caseloads for a specialty court that focuses on constitutional claims, claims
11 involving state agencies, or business claims; and

12 (6) explore where a constitutional and government claims court would hold hearings, impanel
13 juries, and perform other administrative duties.

14 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
15 requirements, be concluded prior to September 15, 2026.

16 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
17 comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

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