

HOUSE BILL NO. 194

INTRODUCED BY A. REGIER, S. VANCE, D. HARVEY, B. USHER, D. BAUM, N. DURAM, J. DARLING

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO JURIES; REVISING REQUIREMENTS FOR NOTICE AND SUMMONS TO JURORS; REVISING REQUIREMENTS FOR MOTIONS TO DISCHARGE A JURY PANEL; AMENDING SECTIONS 3-15-405, 3-15-411, 3-15-501, AND 46-16-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 3-15-405, MCA, is amended to read:

"3-15-405. Notice to jurors. The clerk of court shall serve notice by mail on the persons drawn as jurors ~~and require the persons to respond by mail as to their qualifications to serve as jurors.~~ The clerk of court may attach to the notice a jury questionnaire and a form for an affidavit claiming an excuse from service provided for in 3-15-313. ~~If a person fails to respond to the notice, the clerk shall certify the failure to the sheriff, who shall serve the notice personally on the person and make reasonable efforts to require the person to respond to the notice.~~"

Section 2. Section 3-15-411, MCA, is amended to read:

"3-15-411. Term of service of jurors. (1) The persons ~~whose names are so returned are known as regular jurors and noticed~~ must serve for 1 year and until other persons are selected and returned unless they are excused by the court or a judge pursuant to 3-15-501.

(2) ~~If Except as provided in subsection (3), if~~ jurors are drawn before the selection and return of the new jury list as provided in this part and ~~thereafter~~ a new jury list is subsequently returned, they shall continue to serve as jurors, if the business of the court requires the attendance of a jury, for a period not exceeding 90 days.

(3) ~~Notwithstanding such limitation of service, a~~ jury composed of such jurors duly impaneled to try any cause shall continue to serve in ~~such the~~ cause until discharged by the court ~~from any further~~

consideration of such cause, even if this causes the term of service to exceed 1 year. The fact that a new jury list has been returned ~~shall~~may not affect their status as jurors."

Section 3. Section 3-15-501, MCA, is amended to read:

"3-15-501. Order directing that trial jury be drawn and summoned. (1) If a civil or criminal case has been at issue and ready for trial for more than 6 months and the plaintiff or defendant has requested a jury trial or whenever the business of a district court requires the attendance of a trial jury for the trial of civil or criminal cases and a jury is not in attendance, the court shall order a trial jury to be drawn and summoned to attend before the court. The order must specify the number of jurors to be drawn. The time at which the jurors are required to attend is at the discretion of the court.

(2) The court may direct that a criminal or civil proceeding in which a jury may be required or may have been demanded be continued and fixed for trial at a time when a jury will be in attendance.

(3) The judge or judges of a district or the judge of a department may designate that jury service in the district or department is on a "one-day or one-trial" basis; that is, each individual juror is excused for the rest of the year after having attended for 1 day and not having been selected to serve at the trial of a particular cause or after having completed service at a trial.

(4) If the number of unexcused jurors is not sufficient to meet current requirements at any time, jurors excused under subsection (3) may be required to serve.

(5) The clerk of court shall send a summons to a person selected as a juror drawn pursuant to 3-15-503. If not sent with the notice provided for in 3-15-405, the summons must include the jury questionnaire as to the person's qualifications to serve as a juror and a form for an affidavit claiming an excuse from service provided for in 3-15-313. The person shall respond as required in the summons as to their qualifications to serve as a juror.

(6) If a person fails to respond to the summons, the clerk of court shall attempt to contact a nonresponding person by telephone or other electronic communication.

(7) If a person fails to respond to the summons and the clerk of court has completed the actions required in subsection (6), the clerk of court shall certify the failure to the sheriff, who shall make reasonable efforts to require the person to appear on the date required by the summons.

(8) For the purposes of subsection (7), "reasonable efforts" include any two of the following actions:

(a) publishing the list of persons who failed to respond in or on any of the following:

(i) a newspaper of general circulation;

(ii) a web-based news site; or

(iii) government-controlled or government-sponsored social media or web pages for the specific jurisdiction;

(b) attempted contact by telephone;

(c) attempted contact by other electronic communication;

(d) posting a physical notice at a last-known address;

(e) attempted personal service; or

(f) attempted contact by United States postal service first-class mail.

(9) Failure by the clerk of court or the sheriff to strictly adhere to the provisions of this section may not constitute grounds to invalidate a jury pool or a jury."

Section 4. Section 46-16-112, MCA, is amended to read:

"46-16-112. Motion to discharge jury panel. (1) Any objection to the manner in which a jury panel has been selected, ~~or drawn, notified, or summoned~~ must be raised by a motion to discharge the jury panel. Except for good cause shown, the motion must be made at least 5 days prior to the term start of the trial for which the jury is drawn impaneled. ~~To demonstrate good cause for the failure to raise a timely challenge, a party shall demonstrate that the party made a diligent and timely effort to investigate the manner in which the jury panel was selected, drawn, notified, or summoned.~~

(2) The motion must be in writing supported by affidavit and must state facts that show that the jury panel was improperly selected, ~~or drawn, notified, or summoned~~.

(3) If the motion states facts that show that the jury panel has been improperly selected, ~~or drawn, notified, or summoned~~, it is the duty of the court to conduct a hearing. The burden of proof is on the movant.

(4) If the court finds that the jury panel was improperly selected, ~~or drawn, notified, or summoned~~, the court shall order the jury panel discharged and the selection ~~or and~~ drawing of a new panel in the manner

1 provided by law.

2 ~~(5) A motion to discharge a jury must be founded only on a material departure from the law in~~
3 ~~respect to the selection, drawing, notification, or summoning of the jury panel."~~

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5 NEW SECTION. **Section 5. Severability.** If a part of [this act] is invalid, all valid parts that are
6 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
7 the part remains in effect in all valid applications that are severable from the invalid applications.

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9 NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

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11 NEW SECTION. **Section 7. Applicability.** [This act] applies to jury pools noticed on or after May 1,
12 2026.

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