

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~~ 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~~

(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

provided by law.

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

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

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

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

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