

House Bill 248

In The House

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| January 15, 1981 | Introduced and referred to Committee on Judiciary. |
| January 27, 1981 | Committee recommend bill do pass. |
| January 28, 1981 | Bill printed and placed on members' desks. |
| January 29, 1981 | Second reading do not pass. |

Gold HOUSE BILL NO. 248 *D. O'Hara*
 INTRODUCED BY *Keedy*
Coyne *Kitschman* *Widjaja* *Palmiter* *Jerry* *Byron*
Hagan

1
 2 INTRODUCED BY
 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE
 4 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII,
 5 SECTION 11 OF THE MONTANA CONSTITUTION TO REQUIRE REMOVAL OF
 6 A JUSTICE OR JUDGE WHO FAILS TO IMPOSE A CRIMINAL SENTENCE
 7 IN THE MANNER PRESCRIBED BY LAW."
 8

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

10 Section 1. Article VII, section 11, of the
 11 Constitution of the State of Montana is amended to read:

12 "Section 11. Removal and discipline. (1) The
 13 legislature shall create a judicial standards commission
 14 consisting of five persons and provide for the appointment
 15 thereto of two district judges, one attorney, and two
 16 citizens who are neither judges nor attorneys.
 17

18 (2) The commission shall investigate complaints, and
 19 make rules implementing this section. It may subpoena
 20 witnesses and documents.
 21

22 (3) Upon recommendation of the commission, the supreme
 23 court may:

24 (a) Retire any justice or judge for disability that
 25 seriously interferes with the performance of his duties and
 is or may become permanent; or

1 (b) Censure, suspend, or remove any justice or judge
 2 for willful misconduct in office, willful and persistent
 3 failure to perform his duties, or habitual intemperance.

4 ~~(4) The commission shall recommend to the supreme~~
 5 ~~court that a justice or judge be removed from office if it~~
 6 ~~finds that he willfully failed to impose a criminal sentence~~
 7 ~~in the manner prescribed by law. Upon receiving a~~
 8 ~~recommendation under this subsection, the supreme court~~
 9 ~~shall remove the justice or judge.~~

10 ~~(4)(5) The proceedings of the commission are~~
 11 ~~confidential except as provided by statute."~~

12 Section 2. Submission to electorate. This amendment
 13 shall be submitted to the electors of the state of Montana
 14 at the general election to be held in November of 1982, by
 15 printing on the ballot the full title, section 1 of this
 16 act, and the following:

- 17 FOR requiring removal of a judge who fails to impose
- 18 a criminal sentence as required by law.
- 19 AGAINST requiring removal of a judge who fails to
- 20 impose a criminal sentence as required by law.

-End-

Approved by Committee on Judiciary

Handwritten signatures and names: HOUSE BILL NO. 248, D. O'Hara, Keely Jensen, Harold Windsor, Cozzini, Kitchman, Hyde, Stabie, Patrick, Taylor, Ryan

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SECOND READING
-2- HB 248