

HOUSE BILL NO. 586

Introduced: 01/31/83

Referred to Committee on Judiciary: 01/31/83

Hearing: 2/8/83

Report: 02/09/83, Do Not Pass

Bill Killed: 02/10/83

1 House BILL NO. 586  
 2 INTRODUCED BY Harold - Faller  
 3 BY REQUEST OF THE TASK FORCE ON CORRECTIONS  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE  
 6 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII,  
 7 SECTION 11, OF THE MONTANA CONSTITUTION TO REQUIRE REMOVAL  
 8 OF A JUSTICE OR JUDGE WHO FAILS TO IMPOSE A CRIMINAL  
 9 SENTENCE IN THE MANNER PRESCRIBED BY LAW."  
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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

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

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

1 is or may become permanent; or

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

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

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

13 NEW SECTION. Section 2. Submission to electorate.  
 14 This amendment shall be submitted to the electors of the  
 15 state of Montana at the general election to be held in  
 16 November 1984 by printing on the ballot the full title,  
 17 section 1 of this act, and the following:

18 ☐ FOR requiring removal of a judge who fails to impose  
 19 a criminal sentence as required by law.

20 ☐ AGAINST requiring removal of a judge who fails to  
 21 impose a criminal sentence as required by law.

-End-