SENATE BILL NO. 388

INTRODUCED BY BLAYLOCK

IN THE SENATE

February 9, 1983	Introduced and referred to Committee on Judiciary.	
February 18, 1983	Committee recommend bill do pass as amended. Report adopted.	
February 19, 1983	Bill printed and placed on members' desks.	
February 21, 1983	Second reading, do pass.	
February 22, 1983	Correctly engrossed.	
February 23, 1983	Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House.	
IN THE HOUSE		
February 28, 1983	Introduced and referred to Committee on Judiciary.	
March 14, 1983	Committee recommend bill be concurred in as amended. Report adopted.	
March 18, 1983	Second reading, concurred in.	
March 19, 1983	Third reading, concurred in.	
IN THE SENATE		
March 21, 1983	Returned to Senate with amendments.	
March 22, 1983	Second reading, amendments concurred in.	

March 23, 1983

Third reading, amendments concurred in. Ayes, 49; Noes, 1.

Sent to enrolling.

Reported correctly enrolled.

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1 Servet BILL NO. 318
2 INTRODUCED BY BAND ACT TO AMEND THE COMPLAINT
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE COMPLAINT

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE COMPLAINT AND INITIAL INVESTIGATION PROVISIONS OF THE LAWS RELATING TO MISCOMOUCT BY JUDICIAL OFFICERS; PROVIDING FOR NOTICE; AMENOING SECTION 3-1-1106. MCA."

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

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Section 1. Section 3-1-1106, MCA, is amended to read:

"3-1-1106. Investigation of judicial officers ==

Complaint -- hearing -- recommendations. (1) (a) The

commission. on its own motion or upon the filing of a

written complaint by any citizen of the state. mayv--upon

good--couse-shown initiate an investigation of any judicial

officer in the state by-filing-a-verified-written--complaint

with--the--commission to determine if there are grounds for

conducting additional proceedings before the commission. If

the commission's investigation indicates that additional

wroccedings before the commission may be justified the

commission shall adont a verified written complaint or

require the citizen who filed the original written complaint

re sign a verified written complaint before conducting such

additional proceedings.

(b) The commission shall give the judicial officer

written_notice_of_the_commission's_motion_or_the_citizen's

complaint_and_of_the_initiation_of_an_investigations__Notice

must_also_be_given_if_a_verified_written_complaint_is

adopted_or_filed_and_must_include_the_charges__mades__the

grounds_for_the_charges*_and_a_statement_that_the_judicial

officer_may_file_an_answers_The_notice_must_be_signed_by_the

commissions

- 9 [2] The commission, after such investigation as it
 9 considers necessary and upon the a finding of good cause,
 10 may:
- 11 (a) order a hearing to be held before it concerning 12 the censure, suspension, removal, or retirement of a 13 judicial officer; or

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- (b)_confidentially_advise_the_judicial_officer_and_the
 supreme_court:_in_writing:_that_the_complaint_will_he
 dismissed_if_the_judicial_officer_files_with_the_commission
 a_letter_stating_that_he_will_take_corrective_action:_or
- 18 thicl request the supreme court to appoint one or 19 more special masters who are judges of courts of record to 20 hear and take evidence and to report to the commission.
 - (3) If after hearing or after considering the record and report of the masters the commission finds the charges true, it shall recommend to the supreme court the censure, suspension, removal, or retirement of the judicial officer.*

-End-

Approved by Committee on Judiciary

1	SENATE BILL NO. 388
2	INTRODUCED BY BLAYLUCK
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE COMPLAIN
5	AND INITIAL INVESTIGATION PROVISIONS OF THE LAWS KELATING T
6	MISCONDUCT BY JUDICIAL OFFICERS; PROVIDING FOR NOTICE
7	AMENDING SECTION 3-1-1106+ MCA+M
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 3-1-1106, MCA, is amended to read
11	"3-1-1106. Investigation of judicial officers ±
12	complaint hearing recommendations. (1) (a) The
13	commission: onlike commission or upon the filing of
14	written_complaint_by any citizen of the states may
15	goodcause-showny initiate an investigation of any judicia
16	officer in the state by-filling-a-verified-writtencomplain
17	withthecommission to determine if there are grounds for
13	conducting additional proceedings before the commission
19	the_commission's_investigation_indicates_that_additiona
20	proceedings_before_the_commission_may_be_justified:_the
21	commission_shall adopt==e==xerified==xritten==complaint==e
22	require_the_citizen_wbo_filed_the_original_written_complain
23	tosign_a_verified_written_complaint_before_conducting_suc
24	additional_proceedings.

· (b) The commission shall give the judicial officer

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1	written notice of the commission's motion or the citizen's
2	complaint_and_of_the_initiation_of_an_investigationsNotice
3	must_also_be_given_if_a_verified_written_complaint_is
4	adopted-or filed and must_include_the_charges_madethe
5	grounds for the charges, and a statement that the judicial
6	officer_may_file_an_answer. Inc_notice_must_be_signed_by_the
7	CODDISSIOD.
8	(2) The commission, after such investigation as it
9	considers necessary and upon the \underline{a} finding of good cause,
10	may:
11	(a) order a hearing to be held before it concerning
12	the censure, suspension, removal, or retirement of a
13	judicial officer; or
14	(b) confidentially advise the judicial officer and the
15	supreme_court: in_writing: that the complaint will be
16	dismissed_lf_the_judicial_officer_files_with_the_commission
17	a_letter_stating_that_be_will_take_corrective_actioni_or
18	<pre>fbf(c) request the supreme court to appoint one or</pre>
19	more special masters who are judges of courts of record to
20	hear and take evidence and to report to the commission.
21	(3) If after hearing or after considering the record
27	and report of the masters the commission finds the charges
23	true, it shall recommend to the supreme court the censure,
24	suspension, removal, or retirement of the judicial officer."

SB 0388/02

1	SENATE BILL NO. 388
2	INTRODUCED BY BLAYLOCK
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE COMPLAINT
5	AND INITIAL INVESTIGATION PROVISIONS OF THE LAWS RELATING TO
6	MISCONDUCT BY JUDICIAL OFFICERS; PROVIDING FOR NOTICE;
7	AMENDING SECTION 3-1-1106. MCA.*
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 3-1-1106, MCA, is amended to read:
11	"3-1-1106. Investigation of judicial officers
12	complaint hearing recommendations. (1) (a) The
13	commission: on-its-roun-motion or upon the filing of a
4	writtan_complaint_by any citizen of the state* may*upon
15	goodcause-showny initiate an investigation of any judicial
16	officer in the state by-filing-a-verified-writtencomplaint
17	withthecommission to determine if there are grounds for
18	conducting additional proceedings before the commission. If
19	the commission's investigation indicates that additional
20	proceedings_before_tbe_commission_may_be_justified. the
21	commission_shall adapt==a==xerified==written==comptaint==or
22	require_the_citizen_wbo_filed_the_original_written_complaint
23	to_sign_a_verified_written_complaint_before_conducting_such
24	additional_proceedings.
25	(b) The commission shall give the judicial officer

1	written_notice_of_the commissionia:motion=er=the citizen:
2	complaint and of the initiation of an investigation. Notice
3	must_also_be_given_if_a_verified_written_complaint_i
4	adaptedcar filed_and_must_include_the_charges_made: th
5	grounds_for_the_chargesand_a_statement_that_the_judicia
6	officer_way_file_an_answerThe_notice_wust_be_signed_by_th
7	commission.
8	(2) The commission, after such investigation as i
9	considers necessary and upon the a finding of good cause
10	may:
11	(a) order a hearing to be held before it concernin
12	the censure, suspension, removal, or retirement of
13	judicial officer; or
14	(bl_confidentially_advise_the_judicial_officer_and_th
15	supreme_courts_in_writings_that_the_complaint_will_b
16	dismissed_if_the_judicial_officer_files_with_the_commissio
17	a_letter_station_that_be_will_take_corrective_action:_or
18	<pre>fbf(c) request the supreme court to appoint one o</pre>
19	more special masters who are judges of courts of record t
20	hear and take evidence and to report to the commission.
21	(3) If after hearing or after considering the recor
22	and report of the masters the commission finds the charge
23	true, it shall recommend to the supreme court the censure
24	suspension, removal, or retirement of the judicial officer.

-End-

48th Legislature SB 0388/03

SENATE BILL NO. 388

INTRODUCED BY BLAYLOCK

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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE COMPLAINT
5	AND INITIAL INVESTIGATION PROVISIONS OF THE LAWS RELATING TO
6	MISCONDUCT BY JUDICIAL OFFICERS; PROVIDING FOR NOTICE;
7	AMENDING SECTION 3-1-1106, MCA."
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11	43-1-1106. Investigation of judicial officers ==
12	complaint hearing recommendations. (1) (a) The
13	commission: no-ita-remormation or upon the filing of a
14	written_complaint_by any citizen of the state mayupon
15	goodcouse-showny initiate an investigation of any judicial
16	officer in the state by-filing-a-verified-writtencomplaint
17	withthecommission to determine if there are grounds for
18	conducting additional proceedings before the commission. If
19	the commission's investigation indicates that additional
20	proceedings_before_the_commission_may_be_justifiedthe
21	commission_shall adopt==s==verified==written==eompleint==er
22	require the citizen who filed the original written complaint
23	to_sign_a_verified_written_complaint_before_conducting_such
24	additional_proceedings.
25	[bl_Ibe_commission_shall_give_the_judicial_officer

1	written_notice_of_the commission's=motion-or-the citizen's
2	complaint and of the initiation of an investigation. Notice
3	must_also_be_given_if_a_verified_written_complaint_is
4	adepted of filed and must include the charges made. the
5	grounds_for_the_charges. and a statement_that_the_judicial
6	officer_may_file_an_answer. The notice must be signed by the
7	comission.

- 8 (2) The commission, after such investigation as it
 9 considers necessary and upon the a finding of good cause,
 10 may:
- 11 (a) order a hearing to be held before it concerning
 12 the censure, suspension, removal, or retirement of a
 13 judicial officer; or
- 14 thl_confidentially_advise_the_judicial_officer_and_the
 15 supreme_court:_in_writing:_that_the_complaint_will_be
 16 dismissed_if_the_judicial_officer_files_with_the_commission
 17 a_letter_stating_that_he_will_take_corrective_action
 18 SATISEACIDRY_TO_THE_COMMISSION:_or
 - tbf(c) request the supreme court to appoint one or more special masters who are judges of courts of record to hear and take evidence and to report to the commission.

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22 (3) If after hearing or after considering the record
23 and report of the masters the commission finds the charges
24 true, it shall recommend to the supreme court the censure,
25 suspension, removal, or retirement of the judicial officer.

-End-

SB 388

REFERENCE BILL

SB 0388/03