

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.

1 *Amended* BILL NO. *388*
 2 INTRODUCED BY *Blaylock*

3
 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 own motion or upon the filing of a
 14 written complaint by any citizen of the state, may, upon
 15 good-cause-shown, initiate an investigation of any judicial
 16 officer in the state by filing a verified written complaint
 17 with the commission 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 justified, the
 21 commission shall adopt a verified written complaint or
 22 require the citizen who 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 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 adopted or 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 commission.

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 (b) 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; or

18 (b)(1) 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.

21 (3) If after hearing or after considering the record
 22 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."

-End-

-2- INTRODUCED BILL

SB 388

Approved by Committee
on Judiciary

SENATE BILL NO. 388
INTRODUCED BY BLAYLUCK

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

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

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, may upon
good-cause-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
proceedings before the commission may be justified, the
commission shall ~~adopt a verified written complaint~~ or
require the citizen who filed the original written complaint
to 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 investigation. Notice
must also be given if a verified written complaint is
adopted or filed and must include the charges made, the
grounds for the charges, and a statement that the judicial
officer may file an answer. The notice must be signed by the
commission.

(2) The commission, after such investigation as it
considers necessary and upon the a finding of good cause,
may:

(a) order a hearing to be held before it concerning
the censure, suspension, removal, or retirement of a
judicial officer; or

(b) ~~confidentially advise the judicial officer and the~~
~~supreme court in writing that the complaint will be~~
~~dismissed if the judicial officer files with the commission~~
~~a letter stating that he will take corrective action or~~

(b)(i) 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.

(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-

1 SENATE BILL NO. 388

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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:

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 own motion~~ or upon the filing of a
14 written complaint by any citizen of the state, may, upon
15 good cause shown, initiate an investigation of any judicial
16 officer in the state by filing a verified written complaint
17 with the commission 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 justified, the
21 commission shall ~~adopt a verified written complaint or~~
22 require the citizen who 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 ~~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 adopted or 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 commission.

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 (b) 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; or

18 (c) 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.

21 (3) If after hearing or after considering the record
22 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."

-End-

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INTRODUCED BY BLAYLOCK

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

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

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, may, upon good cause shown, initiate an investigation of any judicial officer in the state by ~~fitting 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 proceedings before the commission may be justified, the commission shall adopt a verified written complaint or require the citizen who filed the original written complaint to 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 investigation. Notice must also be given if a verified written complaint is adopted or filed and must include the charges made, the grounds for the charges, and a statement that the judicial officer may file an answer. The notice must be signed by the commission.~~

(2) The commission, after such investigation as it considers necessary and upon the a finding of good cause, may:

(a) order a hearing to be held before it concerning the censure, suspension, removal, or retirement of a judicial officer; or

(b) ~~confidentially advise the judicial officer and the supreme court, in writing, that the complaint will be dismissed if the judicial officer files with the commission a letter stating that he will take corrective action SATISFACTORY TO THE COMMISSION; or~~

(b)(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.

(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-
-2-

SB 388

REFERENCE BILL