

SENATE BILL 394

Introduced by Lynch, et al.

2/11	Introduced
2/11	Referred to State Administration
2/14	Rereferred to Judiciary
2/16	Hearing
	Died in Committee

1 *Senate* BILL NO. *394*  
2 INTRODUCED BY *Frank Adams, LeRoy Beyer,*  
3 *Marko Burke, Blaylock, Ron Cochrane, Moore*  
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT  
5 EXECUTIVE OR ADMINISTRATIVE AGENCIES EXERCISING  
6 QUASI-JUDICIAL AUTHORITY OF THE STATE AND OTHER GOVERNMENTAL  
7 UNITS ARE NOT ENTITLED TO JUDICIAL IMMUNITY UNDER EXISTING  
8 STATUTES; OVERRIDING THE COMMON-LAW RULES OF QUASI-JUDICIAL  
9 IMMUNITY AND PROSECUTORIAL IMMUNITY TO A CERTAIN EXTENT AS  
10 THEY MIGHT OTHERWISE APPLY TO THESE AGENCIES; AMENDING  
11 SECTION 2-9-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
12 DATE AND AN APPLICABILITY DATE."  
13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
15 **Section 1.** Section 2-9-112, MCA, is amended to read:  
16 "2-9-112. Immunity from suit for judicial acts and  
17 omissions. (1) The state and other governmental units are  
18 immune from suit for acts or omissions of the judiciary.  
19 (2) A member, officer, or agent of the judiciary is  
20 immune from suit for damages arising from his lawful  
21 discharge of an official duty associated with judicial  
22 actions of the court.  
23 (3) The judiciary ~~includes~~ means only those courts  
24 established in accordance with Article VII of The  
25 Constitution of the State of Montana. The judiciary does

1 not include executive or administrative agencies of the  
2 state and other governmental units exercising quasi-judicial  
3 authority.  
4 (4) To the extent that this section denies judicial  
5 immunity to executive or administrative agencies exercising  
6 quasi-judicial authority of the state and other governmental  
7 units, this section specifically overrides the common-law  
8 rules of quasi-judicial immunity and prosecutorial immunity  
9 as they might otherwise apply to executive or administrative  
10 agencies."  
11 **NEW SECTION. Section 2. Severability.** If a part of  
12 [this act] is invalid, all valid parts that are severable  
13 from the invalid part remain in effect. If a part of [this  
14 act] is invalid in one or more of its applications, the part  
15 remains in effect in all valid applications that are  
16 severable from the invalid applications.  
17 **NEW SECTION. Section 3. Effective date.** [This act] is  
18 effective on passage and approval.  
19 **NEW SECTION. Section 4. Applicability.** [This act]  
20 applies to causes of action arising on or after [the  
21 effective date of this act].

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