

SENATE BILL 242

Introduced by Burnett

1/25	Introduced
1/25	Referred to Judiciary
1/25	First Reading
2/16	Hearing
2/19	Committee Report--Bill Not Passed
2/19	Adverse Committee Report Adopted (Constitutional Amendment Proposal Proceeded to 2nd Reading)
2/20	2nd Reading Do Pass Motion Failed (Constitutional Amendment Proposal
2/22	Required 3rd Reading Vote)
	Transmitted to House
2/23	Referred to Judiciary
2/23	First Reading
3/16	Hearing
3/25	Tabled in Committee

## CONSTITUTIONAL AMENDMENT

1                    Senate BILL NO. 242  
2    INTRODUCED BY Burnett  
3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE  
5    QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII,  
6    SECTION 11, OF THE MONTANA CONSTITUTION TO INCREASE THE SIZE  
7    AND CHANGE THE MEMBERSHIP OF THE JUDICIAL STANDARDS  
8    COMMISSION; PROVIDING ADDITIONAL GROUNDS FOR DISCIPLINE OF A  
9    JUSTICE OR JUDGE BY THE SUPREME COURT; MANDATING DISCIPLINE  
10   BY THE SUPREME COURT THAT IS RECOMMENDED BY THE COMMISSION;  
11   REVISING THE EXCEPTION TO THE PROVISION THAT COMMISSION  
12   PROCEEDINGS BE CONFIDENTIAL; REQUIRING CLERKS OF COURT TO  
13   REPORT VIOLATIONS BY A JUSTICE OR JUDGE; AND PROVIDING THAT  
14   A VIOLATION IS SUFFICIENTLY SHOWN BY A COURT RECORD."  
15  
16   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
17        **Section 1.** Article VII, section 11, of The Constitution  
18   of the State of Montana is amended to read:  
19        "Section 11. Removal and discipline. (1) The  
20   legislature shall create a judicial standards commission  
21   consisting of five seven persons and provide for the  
22   appointment thereto of two one district judges judge, one  
23   attorney two attorneys, and two four citizens who are  
24   neither judges nor attorneys.  
25        (2) The commission shall investigate complaints, and

1    make rules implementing this section. It may subpoena  
2    witnesses and documents.  
3        (3) Upon recommendation of the commission, the supreme  
4    court may shall:  
5        (a) Retire any justice or judge for disability that  
6    seriously interferes with the performance of his duties and  
7    that is or may become permanent; or  
8        (b) Censure, suspend, or remove any justice or judge  
9    for willful misconduct in office, willful-and-persistent  
10   failure to perform his duties, including but not limited to  
11   failure to rule on a civil motion within 20 days of the date  
12   the motion is made or failure to render a civil judgment  
13   within 60 days after the end of a trial, failure to apply  
14   the plain language of a valid statute to a case, violation  
15   of canons of judicial ethics adopted by the supreme court of  
16   the state of Montana, or habitual--intemperance being  
17   habitually intemperate with counsel, a litigant, or a third  
18   party;  
19        (c) Remove a justice or judge who twice within a  
20   12-month period is censured under subsection (3)(b); and  
21        (d) Remove a justice or judge for any act of  
22   retaliation against a person for reporting misconduct of the  
23   justice or judge to the commission.  
24        (4) The proceedings of the commission are confidential  
25   except as--provided--by-statute that if a recommendation is

1 made to the supreme court, the proceedings in the matter  
2 cease to be confidential at the time the recommendation is  
3 made.

4 (5) A clerk of court shall report to the commission a  
5 violation of subsection (3)(b) that is brought to the  
6 clerk's attention. If the violation is shown by a court  
7 record, the clerk of court need not disclose the clerk's  
8 identity.

9 (6) A court record showing a violation of subsection  
10 (3) is sufficient proof of the violation."

11 NEW SECTION. Section 2. Submission to electorate. This  
12 amendment shall be submitted to the qualified electors of  
13 Montana at the general election to be held in November 1994  
14 by printing on the ballot the full title of this act and the  
15 following:

16 ☐ FOR giving Montanans and the judicial standards  
17 commission more effective control over the judiciary  
18 and adding to the judicial acts that require  
19 disciplinary action.

20 ☐ AGAINST giving Montanans and the judicial standards  
21 commission more effective control over the judiciary  
22 and adding to the judicial acts that require  
23 disciplinary action.

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