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

Sta Legislature

CONSTITUTIONAL AMENDMENT

Montana Leonsiative Counc

1	Sende 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 <u>two attorneys</u> , and two <u>four</u> citizens who are
24	neither judges nor attorneys.
25	(2) The commission shall investigate complaints, and

LC 1127/01

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 <u>shall</u>:

5 (a) Retire any justice or judge for disability that
6 seriously interferes with the performance of his duties and
7 <u>that</u> 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 the plain language of a valid statute to a case, violation 14 of canons of judicial ethics adopted by the supreme court of 15 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 <u>12-month period is censured under subsection (3)(b); and</u>
 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

-2- SB242 INTRODUCED BILL

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	\Box 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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- 3 -

53rd Legislature

LC 1127/01

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COMMITTEE ON JUDICIARY RECOMMEND DO NOT PASS

LC 1127/01

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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
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18	party;
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-2- SB242 SECOND READING

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- 3 -

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make rules implementing this section. It may subpoena witnesses and documents.

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> SB 242 - 2 -

THIRD READING

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-End-

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