

1 HOUSE BILL NO. 685

2 INTRODUCED BY B. TSCHIDA

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN
 5 AMENDMENT TO ARTICLE VII, SECTION 11, OF THE MONTANA CONSTITUTION REVISING THE
 6 MAKEUP AND DUTIES OF THE JUDICIAL STANDARDS COMMISSION; AND PROVIDING AN EFFECTIVE
 7 DATE."

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

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 11 **Section 1.** Article VII, section 11, of The Constitution of the State of Montana is amended to read:

12 **"Section 11. Removal and discipline.** (1) The legislature shall create a judicial ~~standards inquiry~~
 13 commission consisting of ~~five-nine~~ persons and provide for the appointment ~~thereto to the commission of two~~
 14 ~~district judges~~ one retired district judge, one attorney, and ~~two-seven~~ citizens who are neither judges nor
 15 attorneys.

16 (2) The commission shall:

17 (a) investigate complaints and subpoena witnesses and documents as necessary, and ;

18 (b) make rules implementing this section. ~~It may subpoena witnesses and documents. ;~~

19 (c) enforce standards of judicial conduct on and off the bench;

20 (d) assist the judiciary in maintaining the necessary balance between independence and
 21 accountability;

22 (e) provide an accessible forum for citizens' complaints against judges;

23 (f) create a greater public awareness of what constitutes proper and improper judicial conduct; and

24 (g) protect judges from false, unfounded, and inaccurate accusations.

25 (3) ~~Upon recommendation of the commission, the supreme court~~ On a finding by a majority of the
 26 commission, the commission may:

27 (a) Retire any justice or judge for disability that seriously interferes with the performance of ~~his~~ their
 28 duties and is or may become permanent; or

- 1 (b) Censure, suspend, or remove any justice or judge for:
- 2 (i) ~~willful~~ misconduct in office; ;
- 3 (ii) ~~willful and persistent~~ failure to perform ~~his~~ their duties; ;
- 4 (iii) violation of canons of judicial ethics adopted by the supreme court of the state of Montana; ; or
- 5 (iv) habitual intemperance or intoxication.
- 6 (4) The proceedings of the commission are confidential except as provided by statute."

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8 **NEW SECTION. Section 2. Two-thirds vote required.** Because [section 1] is a legislative proposal

9 to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote

10 of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

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12 **NEW SECTION. Section 3. Effective date.** [This act] is effective upon approval by the electorate.

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14 **NEW SECTION. Section 4. Submission to electorate.** [This act] shall be submitted to the qualified

15 electors of Montana at the general election to be held in November 2022 by printing on the ballot the full title of

16 [this act] and the following:

- 17 YES on Constitutional Amendment ____.
- 18 NO on Constitutional Amendment ____.

19 - END -