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

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

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

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

(2) The commission shall:

(a) investigate complaints and subpoena witnesses and documents as necessary; and;
(b) make rules implementing this section. It may subpoena witnesses and documents;
(c) enforce standards of judicial conduct on and off the bench;
(d) assist the judiciary in maintaining the necessary balance between independence and accountability;
(e) provide an accessible forum for citizens’ complaints against judges;
(f) create a greater public awareness of what constitutes proper and improper judicial conduct; and
(g) protect judges from false, unfounded, and inaccurate accusations.

(3) Upon recommendation of the commission, the supreme court on a finding by a majority of the commission, the commission may:

(a) Retire any justice or judge for disability that seriously interferes with the performance of his their duties and is or may become permanent; or
(b) Censure, suspend, or remove any justice or judge for:

(i) willful misconduct in office;

(ii) willful and persistent failure to perform his duties;

(iii) violation of canons of judicial ethics adopted by the supreme court of the state of Montana;

(iv) habitual intemperance or intoxication.

(4) The proceedings of the commission are confidential except as provided by statute.

NEW SECTION. Section 2. Two-thirds vote required. Because [section 1] is a legislative proposal to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

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

NEW SECTION. Section 4. Submission to electorate. [This act] shall be submitted to the qualified electors of Montana at the general election to be held in November 2022 by printing on the ballot the full title of [this act] and the following:

[  ] YES on Constitutional Amendment ____.

[  ] NO on Constitutional Amendment ____.

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