

SENATE BILL NO. 299

INTRODUCED BY B. USHER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN AUDIT OF THE JUDICIAL BRANCH DISTRICT COURTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Audit of judicial branch district courts. (1) There must be a one-time performance audit of the district courts. The performance audit must be conducted by or at the direction of the legislative auditor and may include but is not limited to:

(a) a comparison of the district court case-weight assignments and workload measurement system to similar courts in at least three other similar states. The following points of comparison are of particular interest:

(i) the average length of time required for cases in each district court to reach completion, including how long it takes a judge to issue a ruling after the matter is fully briefed and how those times compare to the current case-weight assignments, speedy-trial considerations for criminal cases, and completion expectations. This work must consider any applicable controlling directives, such as the Montana rules of evidence and civil procedure, individual case type legal requirements, and individual district court operational rules, including factors outside of judicial control.

(ii) the average amount of time judges are working; and

(iii) if and how time spent by judges on noncase activities, including time at conferences, trainings, meetings, other court-related events, or making speeches to community or other organizations, is recorded;

(b) whether recent increases in numbers of district court judges have resulted in quicker resolutions of civil cases;

(c) the number of full-time equivalent employees in the district court program;

(d) a review of the status of the district court case management system and electronic filing system, including if any efficiencies have been realized with the implementation of the electronic filing system;

1 and

2 (e) an analysis of budgets, costs, and functions of the district courts over time.

3 (2) The legislative auditor shall scope and plan the audit based on risk, including a consideration of
4 the district court's financial, operational, and technological risks associated with meeting its intended purpose,
5 goals, objectives, and legal mandates. The legislative auditor shall consider both rural and urban district courts
6 as part of its scoping and selection process.

7 (3) The objectives of this audit must be formulated, defined, and conducted in accordance with
8 industry standards established for auditing as described in 5-13-308.

9 ~~(4) The cost of the audit in whole must be paid for by the judicial branch.~~

10 ~~(5)~~(4) The audit must be completed by and presented to the legislative audit committee no later than
11 December 15, 2024. Following review by the legislative audit committee, the audit and any audit followup must
12 be delivered to members of the law and justice interim committee and the section D interim budget
13 subcommittee who shall serve in the 69th legislature and be posted on the website of the legislative audit
14 division.

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16 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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