



AN ACT REQUIRING A SUBSTITUTED OR DISQUALIFIED DISTRICT COURT JUDGE TO FOLLOW A PROCEDURE THAT PROVIDES FOR THE RANDOM SELECTION OF SUBSEQUENT JUDGES; DEFINING RANDOM SELECTION; REQUIRING THE OFFICE OF THE COURT ADMINISTRATOR TO ESTABLISH THE PROCEDURE; AND PROVIDING EFFECTIVE DATES.

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

Section 1. Calling of subsequent district judges -- random selection. (1) When calling in subsequent district judges, a judge who has been substituted, disqualified for cause, or recused shall follow the procedure for the random selection of subsequent district judges as established by the office of the court administrator.

(2) For the purposes of this section, "random selection" means a selection from a larger group by chance. The random selection of subsequent judges must include a mechanism to ensure that the subsequent district judge's judicial district is reasonably close geographically to the judicial district of the original judge while still remaining random.

Section 2. Office of court administrator procedure. By October 1, 2025, the office of the court administrator shall establish a procedure for the random selection of subsequent district judges for a district court in which the initial judge has been substituted, disqualified for cause, or recused. The random selection of subsequent judges must include a mechanism to ensure that the subsequent district judge's judicial district is reasonably close geographically to the judicial district of the original judge while still remaining random. The office shall provide the procedure to all district court judges by October 15, 2025.

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title

3, chapter 1, part 8, and the provisions of Title 3, chapter 1, part 8, apply to [section 1].

Section 4. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 1] is effective October 1, 2025.

- END -

I hereby certify that the within bill,
SB 41, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2025.

Speaker of the House

Signed this _____ day
of _____, 2025.

SENATE BILL NO. 41

INTRODUCED BY D. EMRICH

BY REQUEST OF THE SENATE SELECT COMMITTEE ON JUDICIAL OVERSIGHT AND REFORM
AN ACT REQUIRING A SUBSTITUTED OR DISQUALIFIED DISTRICT COURT JUDGE TO FOLLOW A
PROCEDURE THAT PROVIDES FOR THE RANDOM SELECTION OF SUBSEQUENT JUDGES; DEFINING
RANDOM SELECTION; REQUIRING THE OFFICE OF THE COURT ADMINISTRATOR TO ESTABLISH THE
PROCEDURE; AND PROVIDING EFFECTIVE DATES.