

SENATE BILL NO. 45

INTRODUCED BY T. MCGILLVRAY

BY REQUEST OF THE SENATE SELECT COMMITTEE ON JUDICIAL OVERSIGHT AND REFORM

A BILL FOR AN ACT ENTITLED: "ESTABLISHING A MONTANA JUDICIAL PERFORMANCE EVALUATION SYSTEM; CREATING A JUDICIAL PERFORMANCE EVALUATION COMMISSION AND PROVIDING FOR DUTIES AND MEMBERS; ALLOCATING THE COMMISSION TO THE DEPARTMENT OF JUSTICE FOR ADMINISTRATIVE PURPOSES; REQUIRING THE COMMISSION TO PERFORM EVALUATIONS FOR DISTRICT COURT JUDGES AND SUPREME COURT JUSTICES; REQUIRING THE COMMISSION TO CONTRACT FOR A SURVEY; REQUIRING THE SECRETARY OF STATE TO ~~PUBLISH A~~ INCLUDE THE JUDICIAL EVALUATION INFORMATION IN THE VOTER INFORMATION PAMPHLET; PROVIDING THE COMMISSION AND THE SECRETARY OF STATE RULEMAKING AUTHORITY; PROVIDING RULEMAKING AUTHORITY; PROVIDING A TRANSITION; PROVIDING A ONE-TIME-ONLY APPROPRIATION; PROVIDING REPORTING REQUIREMENTS; AND AMENDING SECTIONS 3-1-1124, 13-13-214, 13-27-401, AND 13-27-410, MCA."

WHEREAS, the Montana Legislature finds that it is necessary to provide a comprehensive evaluation system of judicial performance to provide Montana citizens with fair, responsible, and useful information about the judicial performance of supreme court justices and district court judges; and

WHEREAS, providing information to the people of Montana regarding the performance of judges and justices is a matter of public interest and statewide concern; and

WHEREAS, the information provided by a comprehensive evaluation system of judicial performance will provide judges and justices with useful information about their own performances; and

WHEREAS, the Montana Legislature has decided to establish an independent office on judicial performance evaluation with authority to implement an evaluation process and conduct and publicize evaluations.

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

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2 NEW SECTION. SECTION 13. TRANSITION. (1) WITHIN 30 DAYS OF [THE EFFECTIVE DATE OF THIS ACT], THE  
3 APPOINTING AUTHORITIES IN [SECTION 1(1)] SHALL APPOINT THE MEMBERS OF THE JUDICIAL PERFORMANCE EVALUATION  
4 COMMISSION ACCORDING TO THE SCHEDULE IN SUBSECTION (2) OF THIS SECTION.

5 (2) (A) OF THE ~~THREE~~ TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE, ONE SHALL SERVE A  
6 2-YEAR TERM AND ~~TWO~~ ONE SHALL SERVE A 4-YEAR TERM.

7 (B) OF THE ~~THREE~~ TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE, ~~TWO~~ ONE SHALL SERVE A  
8 2-YEAR TERM AND ONE SHALL SERVE A 4-YEAR TERM.

9 (C) OF THE ~~THREE~~ FOUR MEMBERS APPOINTED BY THE GOVERNOR, ~~ONE~~ TWO SHALL SERVE A 2-YEAR  
10 TERM TERMS AND TWO SHALL SERVE 4-YEAR TERMS.

11 (D) OF THE ~~TWO~~ THREE MEMBERS APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT, ONE SHALL  
12 SERVE A 2-YEAR TERM AND ~~ONE~~ TWO SHALL SERVE A 4-YEAR TERM TERMS.

13 (3) MEMBERS APPOINTED PURSUANT SUBSECTION (2) WHO WERE APPOINTED:

14 (A) TO A 2-YEAR TERM MAY BE REAPPOINTED, AND THE 2-YEAR TERM DOES NOT COUNT AGAINST THE TERM  
15 LIMITS PROVIDED IN [SECTION 1(3)(B)]; AND

16 (B) TO A 4-YEAR TERM MAY BE REAPPOINTED, AND THE 4-YEAR TERM COUNTS TOWARD THE TERM LIMITS  
17 PROVIDED IN [SECTION 1(3)(B)].

18  
19 NEW SECTION. Section 14. Reporting to legislative committees. The commission shall provide a  
20 written report on its activities and implementation of [this act] to present in person to the following legislative  
21 committees during the interim following the 69th legislative session:

22 (1) the judicial branch, law enforcement, and justice interim budget committee established in 5-12-  
23 501; and

24 (2) the law and justice committee established in 5-5-226.

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26 NEW SECTION. Section 15. Appropriation. (1) The following amounts are appropriated from the  
27 general fund to the department of justice for implementing the provisions of [this act]:

28 (a) \$500,000 for the fiscal year beginning July 1, 2025; and

1 (b) \$500,000 for the fiscal year beginning July 1, 2026.

2 (2) The legislature intends that these are one-time-only appropriations.

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4 NEW SECTION. Section 16. Codification instruction. (1) [Sections 1 and 2] are intended to be  
5 codified as an integral part of Title 2, chapter 15, part 20, and the provisions of Title 2, chapter 15, part 20,  
6 apply to [sections 1 and 2].

7 (2) [Sections 3 through 8] are intended to be codified as a new part in Title 3, chapter 1, and the  
8 provisions of Title 3, chapter 1, apply to [sections 3 through 8].

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