1   SENATE BILL NO. 41

2   INTRODUCED BY D. EMRICH

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

4

5   A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SUBSTITUTED OR DISQUALIFIED DISTRICT

6   COURT JUDGE TO FOLLOW A PROCEDURE THAT PROVIDES FOR THE RANDOM SELECTION OF

7   SUBSEQUENT JUDGES; DEFINING "RANDOM SELECTION"; REQUIRING THE OFFICE OF THE COURT

8   ADMINISTRATOR TO ESTABLISH THE PROCEDURE; AND PROVIDING EFFECTIVE DATES."

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

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12   NEW SECTION. **Section 1.   Calling of subsequent district judges -- random selection.** (1) When

13   calling in subsequent district judges, a judge who has been substituted, ~~or~~ disqualified for cause, or recused

14   shall follow the procedure for the random selection of subsequent district judges as established by the office of

15   the court administrator.

16   (2)   For the purposes of this section, "random selection" means a selection from a larger group by

17   chance. The random selection of subsequent judges must include a mechanism to ensure that the subsequent

18   district judge's judicial district is reasonably close geographically to the judicial district of the original judge while

19   still remaining random.

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21   NEW SECTION. **Section 2.   Office of court administrator procedure.** By October 1, 2025, the office

22   of the court administrator shall establish a procedure for the random selection of subsequent district judges for

23   a district court in which the initial judge has been substituted, ~~or~~ disqualified for cause, or recused. The random

24   selection of subsequent judges must include a mechanism to ensure that the subsequent district judge's judicial

25   district is reasonably close geographically to the judicial district of the original judge while still remaining

26   random. The office shall provide the procedure to all district court judges by October 15, 2025.

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28   NEW SECTION. **Section 3.   Codification instruction.** [Section 1] is intended to be codified as an

Legislative Services Division

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

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3   NEW SECTION. **Section 4.   Effective dates.** (1) Except as provided in subsection (2), [this act] is

4   effective on passage and approval.

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

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