

SENATE BILL NO. 41

INTRODUCED BY D. EMRICH

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

A BILL FOR AN ACT ENTITLED: "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:

NEW SECTION. Section 1. Calling of subsequent district judges -- random selection. (1) When calling in subsequent district judges, a judge who has been substituted, ~~or~~-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.

NEW SECTION. 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, ~~or~~-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.

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