

1 SENATE BILL NO. 41

2 INTRODUCED BY D. EMRICH

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

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

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

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19 NEW SECTION. **Section 2. Office of court administrator procedure.** By October 1, 2025, the office
20 of the court administrator shall establish a procedure for the random selection of subsequent district judges for
21 a district court in which the initial judge has been substituted or disqualified for cause. The office shall provide
22 the procedure to all district court judges by October 15, 2025.

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24 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
25 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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27 NEW SECTION. **Section 4. Effective dates.** (1) Except as provided in subsection (2), [this act] is
28 effective on passage and approval.

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