

1 SENATE BILL NO. 201

2 INTRODUCED BY G. HERTZ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING JUDICIAL RECUSAL LAWS WHEN A LAWYER OR  
5 PARTY TO A PROCEEDING HAS MADE CAMPAIGN CONTRIBUTIONS; PROVIDING DEFINITIONS;  
6 REPEALING SECTION 3-1-609, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN  
7 APPLICABILITY DATE."

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

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11 NEW SECTION. Section 1. Judicial conflict of interest -- recusal -- definitions. (1) Any party to a  
12 proceeding may request that the judicial officer assigned to the proceeding be recused if AN OPPOSING PARTY OR  
13 LAWYER OR A LAWYER'S LAW FIRM REPRESENTING AN OPPOSING PARTY MEETS THE CRITERIA IN SUBSECTION (1)(A) OR  
14 (1)(B):

15 (a) the judicial officer has received one or more combined contributions totaling the maximum  
16 amount allowable under 13-37-216 from a lawyer or party to the proceeding in an election that was held within  
17 the previous 6 years; or

18 (b) a lawyer, THE LAWYER'S LAW FIRM, or party to the proceeding has made one or more  
19 contributions directly or indirectly to a political committee or other entity that engaged in independent  
20 expenditures that supported the judicial officer or opposed the judicial officer's opponent in an election that was  
21 held within the previous 6 years if the total combined amount of the contributions exceeds ~~the maximum~~  
22 ~~amount that would otherwise be allowed under 13-37-216 if the contributions had been made directly to the~~  
23 ~~judicial candidate~~ \$10,000 FOR A CANDIDATE FOR A SUPREME COURT OFFICE OR \$5,000 FOR A CANDIDATE FOR ANY  
24 OTHER JUDICIAL OFFICE.

25 (2) THE MOVING PARTY SHALL PROVIDE SUFFICIENT FACTS TO DEMONSTRATE THAT THE CRITERIA IN  
26 SUBSECTION (1) HAVE BEEN MET.

27 (3) UPON RECEIPT OF THE MOTION AND THE INFORMATION REQUIRED BY SUBSECTION (2), THE JUDICIAL  
28 OFFICER SHALL RECUSE.

1           ~~(2)~~(4) For the purposes of this section:

2           (a) "contribution" has the meaning provided in 13-1-101; and

3           (b) "judicial officer" has the meaning provided in 1-1-202.

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5           NEW SECTION. Section 2. Repealer. The following section of the Montana Code Annotated is  
6 repealed:

7 3-1-609.           Judicial conflict of interest -- recusal -- definition.

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9           NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
10 integral part of Title 3, chapter 1, part 6, and the provisions of Title 3, chapter 1, part 6, apply to [section 1].

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12           NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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14           NEW SECTION. Section 5. Applicability. [This act] applies to contributions made on or after [the  
15 effective date of this act] AND TO ACTIONS COMMENCED ON OR AFTER [THE EFFECTIVE DATE OF THIS ACT].

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