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SENATE BILL NO. 201

INTRODUCED BY G. HERTZ

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

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

~~NEW SECTION. Section 1. Judicial conflict of interest -- recusal -- definitions. (1) Any party to a proceeding may request that the judicial officer assigned to the proceeding be recused if:~~

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

~~(b) a lawyer or party to the proceeding has made one or more contributions directly or indirectly to a political committee or other entity that engaged in independent expenditures that supported the judicial officer or opposed the judicial officer's opponent in an election that was held within the previous 6 years if the total combined amount of the contributions exceeds the maximum amount that would otherwise be allowed under 13-37-216 if the contributions had been made directly to the judicial candidate.~~

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

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

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

NEW SECTION. Section 1. Repealer. The following section of the Montana Code Annotated is repealed:

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

1 ~~NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an~~
2 ~~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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4 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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6 ~~NEW SECTION. Section 5. Applicability. [This act] applies to contributions made on or after [the~~
7 ~~effective date of this act].~~

8

- END -

AMENDED