

1 **** BILL NO. ****
2 INTRODUCED BY ****
3 BY REQUEST OF THE ****
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING CONSTITUTIONAL OFFICERS AND LEGISLATORS
6 WHO ARE ATTORNEY FROM PROFESSIONAL DISCIPLINARY MEASURES WHILE IN OFFICE;
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE; AND PROVIDING A RETROACTIVE APPLICABILITY
8 DATE."
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10 WHEREAS, the governor, lieutenant governor, attorney general, secretary of state, and the
11 superintendent of public instruction are constitutional officers because their offices are provided for in the
12 Montana Constitution and these officials form a part of the executive branch,

13 WHEREAS, legislators are also provided for in the Montana Constitution and form the legislative
14 branch;

15 WHEREAS, these elected officials who are also licensed to practice law in the State of Montana must
16 be allowed to perform their official duties without the threat of disciplinary measures from the judicial branch,
17 including the commission on practice or the office of disciplinary counsel pursuant to the doctrine of separation
18 of powers.
19

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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22 NEW SECTION. **Section 1. Exemption from disciplinary proceedings.** A constitutional officer as
23 defined in 2-6-1002, or a member of the legislator, who is an attorney is not subject to professional disciplinary
24 actions, recommendations, or proceedings by the judicial branch, including but not limited to the office of
25 disciplinary counsel and the commission on practice, while in office.
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27 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
28 integral part of Title 3, chapter 1, and the provisions of Title 3, chapter 1, apply to [section 1].

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2 NEW SECTION. Section 3. {standard} **Effective date.** [This act] is effective on passage and
3 approval.

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5 NEW SECTION. Section 4. **Retroactive applicability.** [This act] applies retroactively, within the
6 meaning of 1-2-109, to any disciplinary proceedings occurring on or after January 1, 2024.

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