

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2718

(SENATE AUTHORS: DZIEDZIC)

DATE	D-PG	OFFICIAL STATUS
03/17/2014	6281	Introduction and first reading Referred to Judiciary
04/01/2014	7341a	Comm report: To pass as amended
	7343	Second reading
04/25/2014		Special Order: Amended Third reading Passed

1.1 A bill for an act
 1.2 relating to judiciary; modifying the review process of district judge disposition
 1.3 for compliance with 90-day disposition requirement; amending Minnesota
 1.4 Statutes 2012, section 546.27, subdivision 2, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 546.27, is amended by adding a
 1.7 subdivision to read:

1.8 Subd. 1a. **Applicable compliance procedures.** Unless different procedures for
 1.9 ensuring compliance with subdivision 1 are set by the Rules of the Board on Judicial
 1.10 Standards, the procedures in subdivision 2 shall be used.

1.11 Sec. 2. Minnesota Statutes 2012, section 546.27, subdivision 2, is amended to read:

1.12 Subd. 2. **Board of on Judicial Standards review.** At least annually, The chief judges
 1.13 of the judicial districts and the Board on Judicial Standards shall review the compliance
 1.14 of each district judge judges with the provisions of subdivision 1 as provided in this
 1.15 subdivision. To facilitate this review, the director of the state judicial information system
 1.16 shall ~~notify the executive secretary of the state Board on Judicial Standards when a matter~~
 1.17 exceeds provide monthly reports to the chief judges identifying matters that have exceeded
 1.18 90 days without a disposition. The board shall notify the commissioner of management
 1.19 and budget of each judge not in compliance. If the board finds that a judge has compelling
 1.20 reasons for noncompliance, it may decide not to issue the notice. Upon notification that
 1.21 the first 90-day infraction, the director shall notify the chief judge of the judge's district
 1.22 that a judge is not in compliance, the commissioner of management and budget shall
 1.23 not pay the salary of that judge. The board may cancel a notice of noncompliance upon

2.1 ~~finding that a judge is in compliance, but in no event shall a judge be paid a salary for the~~
2.2 ~~period in which the notification of noncompliance was in effect.~~ The chief judge shall take
2.3 appropriate action to remedy the infraction. Upon a second 90-day infraction occurring on
2.4 or before five years from the date of the first infraction by the same judge, the director shall
2.5 again refer the matter to the chief judge. Within 45 days of the referral, the chief judge
2.6 shall develop a written plan with the judge to remedy the 90-day infraction and avoid
2.7 future 90-day infractions and notify the Board on Judicial Standards of the development of
2.8 the written plan. If the notification concerns a matter that was assigned to the chief judge,
2.9 the director shall notify the assistant chief judge of the district who shall develop a written
2.10 plan. At a minimum, the written plan must include measures taken to release timely
2.11 decisions, timelines for substantial compliance, and audit procedures to monitor progress.
2.12 If at any time the judge fails to follow the written plan, the chief judge, assistant chief
2.13 judge, or appointment shall notify the Board on Judicial Standards for further action. Upon
2.14 a third 90-day infraction on or before five years from the date of the first 90-day infraction,
2.15 the chief judge, assistant chief judge, or appointment shall notify the Board on Judicial
2.16 Standards, which shall take appropriate action. This section does not affect the chief
2.17 judge's duty under the Minnesota Code of Judicial Conduct to take appropriate action in
2.18 response to violations of the code. Should the board receive a complaint alleging a serious
2.19 violation of this section, the board's authority to review and act shall not be limited.