



# LAWS OF ALASKA

1968

Source

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Chapter No.

213

## AN ACT

Providing for the disqualification, suspension, removal from office, retirement and censure of justices and judges, and providing for a Commission on Judicial Qualifications.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 22 is amended by adding a new chapter to read:

#### CHAPTER 30. JUDICIAL QUALIFICATIONS.

Sec. 22.30.010. COMMISSION ON JUDICIAL QUALIFICATIONS. The Commission on Judicial Qualifications shall consist of nine members as follows: one justice of the supreme court, elected by the justices of the supreme court; two judges of the superior court, elected by the judges of the superior court; two judges of the district court, elected by the judges of the district court; two members who have practiced law in this state for 10 years, appointed by the governing body of the organized bar; and two citizens who are not judges, retired judges, or members of the state bar, appointed by the governor and subject to confirmation by a majority of the members of the legislature in joint session. Commission membership terminates if a member ceases to hold the position that qualified him for appointment. No person may serve on the commission and on the Judicial Council simultaneously. The commission shall elect one of its members to serve as chairman for a term prescribed by the commission. A vacancy shall be filled by the appointing power for the remainder of the term.

Sec. 22.30.015. TERM OF OFFICE. The term of office for a commission member is four years. Upon initial appointment, the justice of the supreme court serves four years, one superior court judge serves three years and the other serves for two years, one district court judge serves for four years and the other serves for three years, one

member of the bar serves for two years and the other serves for one year, and one of the laymen serves for four years and the other serves for one year.

Sec. 22.30.020. EMPLOYMENT AND COMPENSATION GENERAL-  
LY. The commission may employ officers, assistants and other employees which it considers necessary for the performance of the duties and exercise of the powers conferred upon the commission, may arrange for and compensate medical and other experts and reporters, may arrange for the attendance of witnesses, including witnesses not subject to subpoena, and may pay from funds available to it all expenses reasonably necessary for effectuating the purposes of sec. 10, art. IV, Constitution of the State of Alaska. The attorney general shall, if requested by the commission, act as its counsel generally or in any particular investigation or proceeding. The commission may employ special counsel from time to time when it considers it necessary.

Sec. 22.30.030. TRAVEL EXPENSES AND PER DIEM. Each member of the commission shall be allowed travel expenses and per diem as provided by AS 39.20.180, but shall not receive compensation for his services.

Sec. 22.30.040. PREPARATION OF BUDGET. The Alaska court system shall be responsible for preparing and presenting to the legislature proposed annual budgets for the commission.

Sec. 22.30.050. VALIDITY OF ACTS OF THE COMMISSION. No act of the commission is valid unless concurred in by a majority of its members.

Sec. 22.30.060. RULES. The commission shall make rules implementing this chapter and providing for confidentiality of proceedings.

Sec. 22.30.070. DISQUALIFICATION, SUSPENSION, REMOVAL, RETIREMENT AND CENSURE OF JUDGES. (a) A judge is disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an information charging him in the United States with a crime punishable as a felony under Alaska or federal law, or (2) a recommendation to the supreme court by the commission for his removal or retirement.

(b) On recommendation of the commission or on its own motion, the supreme court may suspend a judge from office without salary when in the United States he pleads guilty or no contest or is found guilty of a crime punishable as a felony under Alaska or federal law or of any other crime that involves moral turpitude under that law. If his conviction is reversed, suspension terminates, and he shall be paid his salary for the period of suspension. If he is suspended and his conviction becomes final the supreme court shall remove him from office.

(c) On recommendation of the commission the supreme court may (1) retire a judge for disability that seriously interferes with the performance of his duties and is or is likely to become permanent, and (2) censure or remove a judge for action occurring not more than six years

before the commencement of his current term which constitutes wilful misconduct in the office, wilful and persistent failure to perform his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

(d) A judge retired by the supreme court shall be considered to have retired voluntarily. A judge removed by the supreme court is ineligible for judicial office for a period of three years.

(e) A supreme court justice who has participated in proceedings involving a judge or justice of any court may not participate in an appeal involving that judge or justice in that particular matter.

Sec. 22.30.080. DEFINITIONS. In this chapter

(1) "commission" means the Commission on Judicial Qualifications provided for in sec. 10, art. IV, Constitution of the State of Alaska and this chapter;

(2) "judge" means a justice of the supreme court, a judge of the superior court, or a judge of the district court who is the subject of an investigation or proceeding under sec. 10, art. IV, Constitution of the State of Alaska and this chapter.

\* Sec. 2. AS 22.15.200 is repealed.

\* Sec. 3. AS 22.05.110 and 22.10.160 are repealed upon the adoption of the amendment to sec. 10 of art. IV of the Constitution of the State of Alaska as proposed by the House Joint Resolution entitled "Proposing amendments to the Constitution of the State of Alaska providing for the disqualification, suspension, removal from office, retirement and censure of justices and judges, and providing for a Commission on Judicial Qualifications."

\* Sec. 4. The provisions of this Act shall apply to justices of the supreme court and judges of the superior court upon the adoption of the amendment to sec. 10 of art. IV of the Constitution of the State of Alaska as proposed by the House Joint Resolution entitled "Proposing amendments to the Constitution of the State of Alaska providing for the disqualification, suspension, removal from office, retirement and censure of justices and judges, and providing for a Commission on Judicial Qualifications."