

Introduced: 3/4/68
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE BY REQUEST

2 HOUSE BILL NO. 661

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the disqualification, suspension,
7 removal from office, retirement and censure of
8 justices and judges, and providing for a Commission on
9 Judicial Qualifications."

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

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

12 CHAPTER 30. JUDICIAL QUALIFICATIONS.

13 Sec. 22.30.010. COMMISSION ON JUDICIAL QUALIFICATIONS. The Com-
14 mission on Judicial Qualifications shall consist of nine members as
15 follows: one justice of the supreme court, elected by the justices
16 of the supreme court; two judges of the superior court, elected by the
17 judges of the superior court; two judges of the district court, elected
18 by the judges of the district court; two members who have practiced
19 law in this state for 10 years, appointed by the governing body of the
20 organized bar; and two citizens who are not judges, retired judges, or
21 members of the state bar, appointed by the governor and subject to
22 confirmation by a majority of the members of the legislature in joint
23 session. All terms are for four years. Commission membership terminates
24 if a member ceases to hold the position that qualified him for appoint-
25 ment. The commission shall elect one of its members to serve as
26 chairman for a term prescribed by the commission. A vacancy shall be
27 filled by the appointing power for the remainder of the term.

28 Sec. 22.30.020. EMPLOYMENT AND COMPENSATION GENERALLY. The com-
29 mission may employ officers, assistants and other employees which it

1 considers necessary for the performance of the duties and exercise of
2 the powers conferred upon the commission, may arrange for and compensate
3 medical and other experts and reporters, may arrange for the attendance
4 of witnesses, including witnesses not subject to subpoena, and may pay
5 from funds available to it all expenses reasonably necessary for
6 effectuating the purposes of sec. 10, art. IV, Constitution of the
7 State of Alaska. The attorney general shall, if requested by the com-
8 mission, act as its counsel generally or in any particular investigation
9 or proceeding. The commission may employ special counsel from time to
10 time when it considers it necessary.

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

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

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

20 Sec. 22.30.060. RULES. The commission shall make rules implement-
21 ing this chapter and providing for confidentiality of proceedings.

22 Sec. 22.30.070. DISQUALIFICATION, SUSPENSION, REMOVAL, RETIREMENT
23 AND CENSURE OF JUDGES. (a) A judge is disqualified from acting as a
24 judge, without loss of salary, while there is pending (1) an indictment
25 or an information charging him in the United States with a crime
26 punishable as a felony under Alaska or federal law, or (2) a recommenda-
27 tion to the supreme court by the Commission on Judicial Qualifications
28 for his removal or retirement.

29 (b) On recommendation of the Commission on Judicial Qualifications

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

9 (c) On recommendation of the Commission on Judicial Qualifications
10 the supreme court may (1) retire a judge for disability that seriously
11 interferes with the performance of his duties and is or is likely to
12 become permanent, and (2) censure or remove a judge for action occurring
13 not more than six years before the commencement of his current term
14 which constitutes wilful misconduct in the office, wilful and persistent
15 failure to perform his duties, habitual intemperance, or conduct
16 prejudicial to the administration of justice that brings the judicial
17 office into disrepute.

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

21 Sec. 22.30.080. DEFINITIONS. In this chapter

22 (1) "commission" means the Commission on Judicial Qualifi-
23 cations provided for in sec. 10, art. IV, Constitution of the State of
24 Alaska and this chapter;

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

29 * Sec. 2. AS 22.05.110, 22.10.160 and 22.15.200 are repealed.

1 * Sec. 3. The provisions of this Act shall apply to justices of the
2 supreme court and judges of the superior court upon the adoption of the
3 amendment to sec. 10 of art. IV of the Constitution of the State of Alaska
4 as proposed by the House Joint Resolution entitled "Proposing amendments
5 to the Constitution of the State of Alaska providing for the disqualification,
6 suspension, removal from office, retirement and censure of justices and
7 judges, and providing for a Commission on Judicial Qualifications."

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