

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

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE
BY REQUEST

2 HOUSE JOINT RESOLUTION NO. 74

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 Proposing amendments to the Constitu-
6 tion of the State of Alaska providing
7 for the disqualification, suspension,
8 removal from office, retirement and
9 censure of justices and judges, and
10 providing for a Commission on
11 Judicial Qualifications.

12 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 * Section 1. Sec. 10, art. IV, Constitution of the State of Alaska is
14 repealed and re-enacted to read:

15 SECTION 10. The commission on judicial qualifications shall con-
16 sist of nine members, as follows: One justice of the supreme court,
17 elected by the justices of the supreme court; two judges of the superior
18 court, elected by the judges of the superior court; two judges of the
19 district court, elected by the judges of the district court; two members
20 who have practiced law in this state for ten years, appointed by the
21 governing body of the organized bar; and two citizens who are not judges,
22 retired judges, or members of the state bar, appointed by the governor
23 and subject to confirmation by a majority of the members of the legis-
24 lature in joint session. All terms are for four years. The commission
25 shall elect one of its members to serve as chairman for a term prescribed
26 by the commission. Commission membership terminates if a member ceases
27 to hold the position that qualified him for appointment. A vacancy
28 shall be filled by the appointing power for the remainder of the term.
29 In addition to the provisions for impeachment as prescribed by section

1 12 of this article, a justice or judge may be disqualified from acting
2 as such and may be suspended, removed from office, retired, or censured
3 as follows:

4 (a) A justice or judge is disqualified from acting as such, with-
5 out loss of salary, while there is pending (1) an indictment or an
6 information charging him in the United States with a crime punishable as
7 a felony under Alaska or federal law, or (2) a recommendation to the
8 supreme court by the commission on judicial qualifications for his
9 removal or retirement.

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

19 (c) On recommendation of the commission on judicial qualifica-
20 tions the supreme court may: (1) retire a justice or judge for disabili-
21 ty that seriously interferes with the performance of his duties and
22 is or is likely to become permanent, or (2) censure or remove a justice
23 or judge for action occurring not more than six years before the com-
24 mencement of his current term which constitutes wilful misconduct in
25 the office, wilful and persistent failure to perform his duties,
26 habitual intemperance, or conduct prejudicial to the administration of
27 justice that brings the judicial office into disrepute.

28 (d) A justice or judge retired by the supreme court shall be
29 considered to have retired voluntarily. A justice or judge removed

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by the supreme court is ineligible for judicial office for a period of three years.