

Introduced: 2/19/68
Referred: Judiciary

BY PALMER, HAMMOND, V. PHILLIPS AND
HARRIS

1 IN THE SENATE

2 SENATE BILL NO. 330

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."

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

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

11 CHAPTER 30. JUDICIAL QUALIFICATIONS.

12 Sec. 22.30.010. COMMISSION ON JUDICIAL QUALIFICATIONS. The
13 commission on judicial qualifications shall consist of nine members,
14 as follows: one justice of the supreme court, elected by the justices
15 of the supreme court; two judges of the superior court, elected by the
16 judges of the superior court; two judges of the district court, elected
17 by the judges of the district court; two members who have practiced
18 law in this state for 10 years, appointed by the governing body of the
19 organized bar; and two citizens who are not judges, retired judges, or
20 members of the state bar, appointed by the governor and subject to
21 confirmation by a majority of the members of the legislature in joint
22 session. All terms are for four years. The commission shall elect one
23 of its members to serve as chairman for a term prescribed by the commis-
24 sion. A vacancy shall be filled by the appointing power for the remain-
25 der of the term.

26 Sec. 22.30.020. EMPLOYMENT AND COMPENSATION GENERALLY. The com-
27 mission may employ officers, assistants and other employees which it
28 considers necessary for the performance of the duties and exercise of
29 the powers conferred upon the commission, may arrange for and compensate

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

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

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

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

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

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

27 (b) On recommendation of the Commission on Judicial Qualifications
28 or on its own motion, the supreme court may suspend a judge from office
29 without salary when in the United States he pleads guilty or no contest

1 or is found guilty of a crime punishable as a felony under Alaska or
2 federal law or of any other crime that involves moral turpitude under
3 that law. If his conviction is reversed, suspension terminates, and
4 he shall be paid his salary for the period of suspension. If he is
5 suspended and his conviction becomes final the supreme court shall
6 remove him from office.

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

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

19 Sec. 22.30.080. DEFINITIONS. In this chapter

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

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

27 Sec. 22.30.090. REPEALS. AS 22.05.110, 22.10.160, and 22.15.200
28 are repealed.
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