

Original sponsors: Palmer,  
Hammond, V. Phillips, et al

Offered: 3/20/68  
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL 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 seven members,  
14 as follows: one judge of the superior court, elected by the judges  
15 of the superior court; one judge of the district court, elected by the  
16 judges of the district court; one member who has practiced law in this  
17 state for 10 years, appointed by the governing body of the organized  
18 bar; and four citizens who are not judges, retired judges, or members  
19 of the state bar, appointed by the governor and subject to confirmation  
20 by a majority of the members of the legislature in joint session. All  
21 terms are for four years. The commission shall elect one of its  
22 members to serve as chairman for a term prescribed by the commission.  
23 A vacancy shall be filled by the appointing power for the remainder  
24 of the term.

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

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

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

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

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

17 Sec. 22.30.060. RULES. The commission shall make rules imple-  
18 menting this chapter and providing for confidentiality of proceedings.

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

26 (b) On recommendation of the Commission on Judicial Qualification  
27 or on its own motion, the supreme court shall immediately suspend a  
28 judge from office without salary when in the United States he pleads  
29 guilty or no contest or is found guilty of a crime punishable as a

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

6 (c) On recommendation of the Commission on Judicial Qualifications  
7 the supreme court shall immediately (1) retire a judge for physical  
8 or mental disability that seriously interferes with the performance of  
9 his duties and is, or is likely to become, permanent, and (2) censure  
10 or remove a judge for action that constitutes wilful misconduct in the  
11 office, wilful and persistent failure to perform his duties, habitual  
12 intemperance, or conduct prejudicial to the administration of justice  
13 that brings the judicial office into disrepute.

14 (d) A judge retired by the supreme court shall be considered to  
15 have retired voluntarily. A judge removed by the supreme court is  
16 ineligible to hold judicial office.

17 Sec. 22.30.080. DEFINITIONS. In this chapter

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

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