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Referred: Judiciary

BY PALMER, HAMMOND, HARRIS AND
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1 IN THE SENATE

2 SENATE JOINT RESOLUTION NO. 42

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

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

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

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13 repealed and re-enacted to read:

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

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

4 (a) A justice or judge is disqualified from acting as such,
5 without loss of salary, while there is pending (1) an indictment or an
6 information charging him in the United States with a crime punishable
7 as a felony under Alaska or federal law, or (2) a recommendation to
8 the supreme court by the commission on judicial qualifications for
9 his removal or retirement.

10 (b) On recommendation of the commission on judicial qualifications
11 or on its own motion, the supreme court may suspend a justice or judge
12 from office without salary when in the United States he pleads guilty
13 or no contest or is found guilty of a crime punishable as a felony
14 under Alaska or federal law or of any other crime that involves moral
15 turpitude under that law. If his conviction is reversed, suspension
16 terminates, and he shall be paid his salary for the period of suspen-
17 sion. If he is suspended and his conviction becomes final the supreme
18 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 disability
21 that seriously interferes with the performance of his duties and is or
22 is likely to become permanent, and (2) censure or remove a justice or
23 judge for action occurring not more than six years before the com-
24 mencement of his current term that 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 by

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