

Introduced: 3/23/81
Referred: Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE
BY REQUEST

2 HOUSE BILL NO. 372

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the disqualification, suspension,
7 removal, retirement, and censure of judges; and imple-
8 menting art. IV sec. 10 of the state constitution."

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

10 * Section 1. AS 22.30 is amended by adding a new section to read:

11 Sec. 22.30.011. POWERS AND DUTIES OF THE COMMISSION. (a) The
12 commission shall on its own motion or on receipt of a written complaint
13 inquire into an allegation that a judge

14 (1) has been convicted of a crime punishable as a felony
15 under state or federal law or convicted of a crime that involves moral
16 turpitude under state or federal law;

17 (2) suffers from a disability that seriously interferes with
18 the performance of judicial duties and that is or may become permanent;

19 (3) within a period of not more than six years before the
20 start of his current term, committed an act or acts which constitute

21 (A) wilful misconduct in office,

22 (B) wilful and persistent failure to perform judicial
23 duties,

24 (C) conduct prejudicial to the administration of jus-
25 tice, or

26 (D) conduct that brings the judicial office into dis-
27 repute; or

28 (4) is habitually intemperate.

29 (b) The commission may hold a hearing on an allegation under (a)

1 of this section. A hearing under this section is a hearing under
2 AS 44.62.310(c)(2) and is private unless a public hearing is requested
3 by the judge.

4 (c) A judge appearing before the commission at the hearing is
5 entitled to counsel, may present evidence, and may cross-examine wit-
6 nesses.

7 (d) The commission may, after a hearing held under (b) of this
8 section,

9 (1) exonerate the judge of the charges;

10 (2) reprimand the judge privately;

11 (3) refer the matter to the supreme court with a recommen-
12 dation that the judge be suspended, removed, or retired from office or
13 censured by the supreme court.

14 (e) A decision by the commission to reprimand a judge privately
15 may be appealed by the judge to the supreme court.

16 (f) If the commission decides to reprimand a judge privately, the
17 commission shall forward the reprimand to the judge. A copy of the
18 reprimand shall be sent to the chief justice of the supreme court. The
19 reprimand is confidential.

20 (g) If the commission exonerates a judge, a copy of the proceed-
21 ings and report of the commission may be made public on the request of
22 the judge.

23 * Sec. 2. AS 22.30 is amended by adding a new section to read:

24 Sec. 22.30.066. INQUIRY. The commission may subpoena witnesses,
25 administer oaths, take the testimony of any person under oath, and
26 require the production for examination of documents or records relating
27 to its inquiry under AS 22.30.011.

28 * Sec. 3. AS 22.30.070(b) is amended to read:

29 (b) On recommendation of the commission or after an appeal under

1 AS 22.30.011(e) [ON ITS OWN MOTION], the supreme court may suspend a
2 judge from office without salary when in the United States he pleads
3 guilty or no contest or is found guilty of a crime punishable as a
4 felony under state [ALASKA] or federal law or of a [ANY OTHER] crime
5 that involves moral turpitude under state or federal [THAT] law. If his
6 conviction is reversed, suspension terminates, and he shall be paid his
7 salary for the period of suspension. If he is suspended and his convic-
8 tion becomes final, the supreme court shall remove him from office.

9 * Sec. 4. AS 22.30.070(c) is amended to read:

10 (c) On recommendation of the commission or after an appeal under
11 AS 22.30.011(e), the supreme court may (1) retire a judge for disability
12 that seriously interferes with the performance of his duties and that
13 is or may [IS LIKELY TO] become permanent, and (2) censure or remove a
14 judge for action occurring not more than six years before the commence-
15 ment of his current term which constitutes wilful misconduct in the
16 office, wilful and persistent failure to perform his duties, habitual
17 intemperance, [OR] conduct prejudicial to the administration of
18 justice, or conduct that brings the judicial office into disrepute.