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Referred: Judiciary and
Finance

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1 IN THE HOUSE

2 HOUSE BILL NO. 516

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the impeachment of judges of the
7 court of appeals and the district court and to dis-
8 qualification of judges for cause."

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

10 * Section 1. AS 22.07 is amended by adding a new section to read:

11 Sec. 22.07.075. IMPEACHMENT. A judge of the court of appeals is
12 subject to impeachment by the legislature for malfeasance or mis-
13 feasance in the performance of official duties. Impeachment must
14 originate in the senate and must be approved by two-thirds vote of its
15 members. The motion for impeachment must list fully the basis for the
16 proceeding. Trial on impeachment shall be conducted by the house of
17 representatives. A supreme court justice designated by the court
18 shall preside at the trial. Concurrence of two-thirds of the members
19 of the house is required for a judgment of impeachment. The judgment
20 may not extend beyond removal from office, but does not prevent pro-
21 ceedings in a court on the same or related charges.

22 * Sec. 2. AS 22.15 is amended by adding a new section to read:

23 Sec. 22.15.205. IMPEACHMENT. A district judge is subject to
24 impeachment by the legislature for malfeasance or misfeasance in the
25 performance of official duties. Impeachment must originate in the
26 senate and must be approved by two-thirds vote of its members. The
27 motion for impeachment must list fully the basis for the proceeding.
28 Trial on impeachment shall be conducted by the house of representa-
29 tives. A supreme court justice designated by the court shall preside

1 at the trial. Concurrence of two-thirds of the members of the house
2 is required for a judgment of impeachment. The judgment may not
3 extend beyond removal from office, but does not prevent proceedings in
4 the courts on the same or related charges.

5 * Sec. 3. AS 22.20.020(a) is repealed and reenacted to read:

6 (a) A judicial officer may not act in a matter in which

7 (1) the judicial officer is a party or is related to a
8 party or a party's attorney by consanguinity or affinity within the
9 third degree;

10 (2) the judicial officer was not present at the hearing on
11 the matter;

12 (3) the judicial officer may be a material witness;

13 (4) the judicial officer or the spouse of the judicial
14 officer, individually or as a fiduciary, or a child of the judicial
15 officer has a direct financial interest in the matter;

16 (5) a party, except the state or a municipality of the
17 state, has retained or been professionally counseled by the judicial
18 officer or an attorney with whom the judicial officer was associated
19 in the practice of law as its attorney within two years preceding the
20 assignment of the judicial officer to the matter;

21 (6) the judicial officer or an attorney with whom the
22 judicial officer was associated in the practice of law has represented
23 a person as attorney for the person against a party, except the state
24 or a municipality of the state, in a matter within two years preceding
25 the assignment of the judicial officer to the matter;

26 (7) an attorney for a party has represented the judicial
27 officer or a person against the judicial officer, either in the
28 judicial officer's public or private capacity, in a matter within two
29 years preceding the filing of the action;

1 (8) the judicial officer feels that, for any reason, a fair
2 and impartial decision cannot be given.

3 * Sec. 4. AS 22.20.020 is amended by adding a new subsection to read:

4 (d) In this section "municipality" has the meaning given in
5 AS 29.71.800.