

Introduced: 4/5/89  
Referred: State Affairs  
and Judiciary

6-1132A

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 HOUSE BILL NO. 268

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Commission on Judicial Con-  
7 duct."

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

9 \* Section 1. AS 22.30.011(a) is amended to read:

10 (a) The commission shall on its own motion or on receipt of a  
11 written complaint inquire into an allegation that a judge

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

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

18 (3) within a period of not more than six years before the  
19 filing of the complaint or before the beginning of the commission's  
20 inquiry based on its own motion [START OF THE CURRENT TERM], committed  
21 an act or acts that constitute

22 (A) wilful misconduct in office;

23 (B) wilful and persistent failure to perform judicial  
24 duties;

25 (C) conduct prejudicial to the administration of  
26 justice;

27 (D) conduct that brings the judicial office into  
28 disrepute; or

29 (E) conduct in violation of the code of judicial

1           conduct; or

2                   (4) is habitually intemperate.

3       \* Sec. 2. AS 22.30.011(b) is amended to read:

4           (b) After preliminary informal consideration of an allegation,  
5       the commission may exonerate the judge, informally and privately  
6       admonish the judge or recommend counseling, or [THE COMMISSION MAY]  
7       hold a formal hearing on the [AN] allegation [UNDER (a) OF THIS SEC-  
8       TION]. A hearing under this subsection [SECTION] is public. Proceed-  
9       ings and records pertaining to proceedings that occur before the  
10       commission holds a public hearing on an allegation are confidential [A  
11       HEARING UNDER AS 44.62.310(d) AND IS PRIVATE UNLESS A PUBLIC HEARING

12       IS REQUESTED BY THE JUDGE].

13       \* Sec. 3. AS 22.30.011(d) is amended to read:

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

16                   (1) exonerate the judge of the charges;

17                   (2) [INFORMALLY AND PRIVATELY ADMONISH THE JUDGE OR RECOM-  
18       MEND COUNSELING;

19                   (3)] reprimand the judge publicly or privately;

20                   (3) [(4)] refer the matter to the supreme court with a  
21       recommendation that the judge be suspended, removed, or retired from  
22       office or publicly or privately censured by the supreme court.

23       \* Sec. 4. AS 22.30.060(b) is amended to read:

24           (b) All proceedings, records, files, and reports of the commis-  
25       sion are confidential and disclosure may not be made except

26                   (1) upon waiver in writing by the judge at any stage of the  
27       proceedings;

28                   (2) if the subject matter or the fact of the filing of  
29       charges has become public, in which case the commission may issue a

1 statement in order to confirm the pendency of the investigation, to  
2 clarify the procedural aspects of the proceedings, to explain the  
3 right of the judge to a fair hearing, or to state that the judge  
4 denies the allegations; or

5 (3) upon filing of formal charges, in which case only the  
6 charges, the subsequent formal hearing, and the commission's ultimate  
7 decision are [SHALL BECOME] public; even after formal charges are  
8 filed, the deliberations of the commission concerning the case are  
9 confidential.

10 \* Sec. 5. AS 22.30.080(2) is amended to read:

11 (2) "judge" means a justice of the supreme court, a judge  
12 of the court of appeals, a judge of the superior court, or a judge of  
13 the district court who is the subject of an investigation or proceed-  
14 ing under sec. 10, art. IV, Constitution of the State of Alaska and  
15 this chapter, including a justice or judge who is serving in a full-  
16 time, part-time, permanent, or temporary position, or who is retired.