



LAWS OF ALASKA

1981

Source

HCSSB 331(Jud)

Chapter No.

58

AN ACT

Relating to the disqualification, suspension, removal, retirement, and censure of judges; and implementing art. IV, sec. 10 of the state constitution.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: July 10, 1981
Actual Effective Date: October 8, 1981

AN ACT

Relating to the disqualification, suspension, removal,
retirement, and censure of judges; and implementing
art. IV, sec. 10 of the state constitution.

- * Section 1. AS 22.30 is amended by adding a new section to read:
Sec. 22.30.011. POWERS AND DUTIES OF THE COMMISSION. (a) The
commission shall on its own motion or on receipt of a written complaint
inquire into an allegation that a judge
- (1) has been convicted of a crime punishable as a felony
under state or federal law or convicted of a crime that involves moral
turpitude under state or federal law;
 - (2) suffers from a disability that seriously interferes with
the performance of judicial duties and that is or may become permanent;
 - (3) within a period of not more than six years before the
start of his current term, committed an act or acts that constitute
 - (A) wilful misconduct in office,
 - (B) wilful and persistent failure to perform judicial
duties,
 - (C) conduct prejudicial to the administration of jus-
tice, or
 - (D) conduct that brings the judicial office into dis-
repute; or
 - (4) is habitually intemperate.
- (b) The commission may hold a hearing on an allegation under (a)

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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 publicly or 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 publicly or privately censured by the supreme court.

14 (e) A decision by the commission to reprimand a judge publicly or
15 privately 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. A
19 private 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

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

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

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