



# LAWS OF ALASKA

1984

**Source**

HCSSB 453(Jud) am H

**Chapter No.**

160

**AN ACT**

Relating to the Commission on Judicial Conduct; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

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TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.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 5, 1984  
Actual Effective Date: July 6, 1984

AN ACT

Relating to the Commission on Judicial Conduct; and  
providing for an effective date.

\* Section 1. AS 22.30.010 is amended to read:

Sec. 22.30.010. COMMISSION ON JUDICIAL CONDUCT [QUALIFICATIONS].  
The Commission on Judicial Conduct [QUALIFICATIONS] shall consist of  
nine members as follows: three persons who are justices or judges of  
state courts [ONE JUSTICE OF THE SUPREME COURT], elected by the jus-  
tices and judges of the state courts [OF THE SUPREME COURT; THREE  
JUDGES OF THE SUPERIOR COURT, ELECTED BY THE JUDGES OF THE SUPERIOR  
COURT; ONE JUDGE OF THE DISTRICT COURT, ELECTED BY THE JUDGES OF THE  
DISTRICT COURT]; three [TWO] members who have practiced law in this  
state for 10 years, appointed by the governor from nominations made by  
the governing body of the organized bar and subject to confirmation by  
a majority of the members of the legislature in joint session; and  
three [TWO] citizens who are not judges, retired judges, or members of  
the state bar, appointed by the governor and subject to confirmation  
by a majority of the members of the legislature in joint session.  
Commission membership terminates if a member ceases to hold the posi-  
tion that qualified that person for appointment. A [NO] person may  
not serve on the commission and on the Judicial Council simultane-  
ously. The Commission shall elect one of its members to serve as chair-  
man for a term prescribed by the commission. A vacancy shall be  
filled by the appointing power for the remainder of the term.

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

(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 the 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 justice, [OR]

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

(E) conduct in violation of the code of judicial conduct; or

(4) is habitually intemperate.

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

(b) The commission may hold a hearing on an allegation under (a) of this section. A hearing under this section is a hearing under AS 44.62.310(d) [AS 44.62.310(c)(2)] and is private unless a public hearing is requested by the judge.

\* Sec. 4. AS 22.30.011(d) is amended to read:

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

1 (1) exonerate the judge of the charges;

2 (2) informally and privately admonish the judge or recom-  
3 mend counseling;

4 (3) [(2)] reprimand the judge publicly or privately;

5 (4) [(3)] refer the matter to the supreme court with a  
6 recommendation that the judge be suspended, removed, or retired from  
7 office or publicly or privately censured by the supreme court.

8 \* Sec. 5. AS 22.30.040 is amended to read:

9 Sec. 22.30.040. PREPARATION OF BUDGET. The commission [ALASKA  
10 COURT SYSTEM] shall be responsible for preparing and presenting to the  
11 legislature its proposed annual budgets [FOR THE COMMISSION].

12 \* Sec. 6. AS 22.30.050 is amended to read:

13 Sec. 22.30.050. VALIDITY OF ACTS OF THE COMMISSION. No act of  
14 the commission is valid unless concurred in by a majority of the [ITS]  
15 members serving on the commission at the time the act is taken.

16 \* Sec. 7. AS 22.30.060 is amended by adding a new subsection to read:

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

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

21 (2) if the subject matter or the fact of the filing of  
22 charges has become public, in which case the commission may issue a  
23 statement in order to confirm the pendency of the investigation, to  
24 clarify the procedural aspects of the proceedings, to explain the  
25 right of the judge to a fair hearing, or to state that the judge  
26 denies the allegations; or

27 (3) upon filing of formal charges, in which case only the  
28 charges shall become public.

29 \* Sec. 8. AS 22.30.066 is amended by adding a new subsection to read:

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1 (b) In the course of an inquiry under AS 22.30.011 into judicial  
2 misconduct or the disability of a judge, the commission may request  
3 the judge to submit to a physical or mental examination. If the judge  
4 refuses to submit to the examination, the commission must determine  
5 the issue for which the examination was required adversely to the  
6 judge.

7 \* Sec. 9. AS 22.30.080(1) is amended to read:

8 (1) "commission" means the Commission on Judicial Conduct  
9 [QUALIFICATIONS] provided for in sec. 10, art. IV, Constitution of the  
10 State of Alaska and this chapter;

11 \* Sec. 10. Notwithstanding AS 22.30.015, to achieve staggered terms,  
12 three of the members appointed or elected after July 1, 1984, shall serve  
13 six year terms. Among these three members, one shall be a judge or jus-  
14 tice, one shall be an attorney, and one shall be a citizen member.

15 \* Sec. 11. This Act takes effect July 1, 1984.