

Senate Joint Resolution 8

Sponsored by Senator BOQUIST (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Amends constitution to provide for removal of judge upon impeachment by House of Representatives and conviction in Senate.

Refers proposed amendment to people for their approval or rejection at next general election.

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. Section 8, Article VII (Amended) of the Constitution of the State of Oregon, is amended to read:

Sec. 8. (1) In the manner provided by law, and notwithstanding section 1 of this Article, a judge of any court may be removed or suspended from [*his*] judicial office by the Supreme Court, or censured by the Supreme Court, for:

(a) Conviction in a court of this or any other state, or of the United States, of a crime punishable as a felony or a crime involving moral turpitude; or

(b) Wilful misconduct in a judicial office where such misconduct bears a demonstrable relationship to the effective performance of judicial duties; or

(c) Wilful or persistent failure to perform judicial duties; or

(d) Generally incompetent performance of judicial duties; or

(e) Wilful violation of any rule of judicial conduct as shall be established by the Supreme Court;

or

(f) Habitual drunkenness or illegal use of narcotic or dangerous drugs.

(2)(a) A judge of any court may be impeached for malfeasance, crime, incapacity or negligence by a vote of at least 31 members of the House of Representatives.

(b) Any member of the House of Representatives who believes that a judge has committed an act for which the judge may be impeached may submit a complaint to the Speaker of the House of Representatives. A person who is a resident of this state and who believes that a judge has committed an act for which the judge may be impeached may submit a complaint to the Representative for the district in which the person resides. If the Representative believes that there is substantial evidence to support the complaint, the Representative shall deliver the complaint to the Speaker of the House of Representatives.

(c) Upon receiving a complaint under paragraph (b) of this subsection, the Speaker of the House of Representatives shall appoint a special prosecutor, and a committee of members of the House of Representatives, to investigate the complaint. The committee shall consist of three members from each of the two political parties with the greatest number of members in the House of Representatives. If a majority of the members of the committee believe that substantial evidence supports the complaint, and that the complaint alleges impeachable

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **conduct, the committee shall direct the special prosecutor to prepare articles of**
2 **impeachment and shall submit the articles to the House of Representatives.**

3 **(d) If the Legislative Assembly is in session when articles of impeachment are submitted**
4 **under this subsection, the House of Representatives shall vote on articles of impeachment**
5 **before adjourning sine die. If the Legislative Assembly is not in session when articles of**
6 **impeachment are submitted under this subsection, the House of Representatives must vote**
7 **on the articles before adjournment sine die of the next regular or special session of the**
8 **Legislative Assembly.**

9 **(e) Impeachment of a judge subject to this section shall be tried by the Senate. When the**
10 **Senate is sitting as a court of impeachment, the Senators shall be on oath to impartially try**
11 **the party impeached, and a judge may not be convicted without the concurrence of two-**
12 **thirds of the members elected to the Senate.**

13 **(f) Upon conviction in the Senate, a judge shall be removed from office. In addition, the**
14 **judgment of conviction may specify that the convicted judge be disqualified from holding any**
15 **public office in this state.**

16 **(g) Any judge impeached under this section shall be suspended from the exercise of offi-**
17 **cial duties during the pendency of the Senate proceedings. The suspension takes effect upon**
18 **the vote of impeachment and remains in effect until the entry of a judgment of acquittal or**
19 **conviction by the Senate.**

20 **(h) Nothing in this section prevents the indictment, trial and punishment of a judge, in**
21 **the manner provided by law, for any offense committed by the judge.**

22 **[(2)] (3) Notwithstanding section 6 of this Article, the methods provided in this section, section**
23 **1a of this Article and in section 18, Article II of this Constitution, are the exclusive methods of the**
24 **removal, suspension, or censure of a judge.**

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26 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
27 **people for their approval or rejection at the next regular general election held throughout**
28 **this state.**

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