

# House Joint Resolution 19

Sponsored by Representative EVANS

## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act proposes a change to the Constitution to let some judges be taken out of office. The Act refers the change to the people at the next regular general election. (Flesch Readability Score: 62.8).

Proposes an amendment to the Oregon Constitution to vest the power of impeachment of certain judges in the House of Representatives and the power to try impeachments in the Senate. Requires a two-thirds majority vote of the House of Representatives to deliver an impeachment resolution to the Senate and a two-thirds majority vote of the Senate for conviction. Limits the judgment to removal from office and disqualification from holding other public office in this state.

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

## JOINT RESOLUTION

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

3 **PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section  
4 35 to be added to and made a part of Article IV, and by amending section 8, Article VII (Amended),  
5 such sections to read:

6 **SECTION 35. (1) The House of Representatives shall have the power of impeachment of**  
7 **a judge who first occupied the judge's position by appointment under section 16, Article V**  
8 **of this Constitution, regardless of whether the judge has been elected to the position since**  
9 **the initial appointment. A judge may be impeached under this section for malfeasance or**  
10 **corrupt conduct in office, willful neglect of statutory or constitutional duty or other felony**  
11 **or high crime. The House of Representatives may deliver a resolution of impeachment to the**  
12 **Senate only upon the concurrence of at least two-thirds of all Representatives.**

13 **(2) The Senate shall have the power to try any impeachment received from the House**  
14 **of Representatives. When sitting for the purpose of trying an impeachment, the Chief Justice**  
15 **of the Supreme Court shall preside and Senators shall swear or affirm to do justice according**  
16 **to law and evidence. A judge may not be convicted under this section without the concu-**  
17 **rence of at least two-thirds of all Senators.**

18 **(3) Judgment shall extend only to removal from office and disqualification from holding**  
19 **any other public office in this state. Any judge convicted or acquitted under this section re-**  
20 **mains subject to any criminal prosecution or civil liability according to law.**

21 **(4) Section 10a of this Article may be invoked for the purpose of exercising the power of**  
22 **impeachment under this section.**

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

26 (a) Conviction in a court of this or any other state, or of the United States, of a crime

**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 punishable as a felony or a crime involving moral turpitude; or

2 (b) Wilful misconduct in a judicial office where such misconduct bears a demonstrable relation-  
3 ship to the effective performance of judicial duties; or

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

5 (d) Generally incompetent performance of judicial duties; or

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

7 or

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

9 (2) Notwithstanding section 6 of this Article, the methods provided in this section, section 1a  
10 of this Article and in section 18, Article II, **and section 35, Article IV** of this Constitution, are the  
11 exclusive methods of the removal, suspension, or censure of a judge.

12  
13 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**  
14 **people for their approval or rejection at the next regular general election held throughout**  
15 **this state.**