

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/10/15

A Bill

HOUSE BILL 1456

5 By: Representative Baine
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For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING SUSPENSION OF
9 JUDGES; TO PROVIDE FOR THE AUTOMATIC SUSPENSION OF
10 JUDGES WHO ARE CHARGED WITH CERTAIN CRIMES; AND FOR
11 OTHER PURPOSES.
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Subtitle

14 TO AMEND THE LAW CONCERNING SUSPENSION OF
15 JUDGES; AND TO PROVIDE FOR THE AUTOMATIC
16 SUSPENSION OF JUDGES WHO ARE CHARGED WITH
17 CERTAIN CRIMES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 16-10-408 is amended to read as follows:
24 16-10-408. Suspension with pay.

25 A judge may be suspended by the Supreme Court with pay:

26 (1) ~~While an indictment or information charging him or her in~~
27 ~~any court in the United States with a crime punishable as a felony under the~~
28 ~~laws of Arkansas or the United States is pending;~~

29 (2) While a recommendation to the Supreme Court by the Judicial
30 Discipline and Disability Commission for his or her removal or involuntary
31 disability retirement is pending; or

32 (3) ~~(2)~~ When articles of impeachment have been voted by the House
33 of Representatives.
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35 SECTION 2. Arkansas Code § 16-10-409 is amended to read as follows:
36 16-10-409. Mandatory suspension.



1 (a)(1) A judge shall be suspended from office with pay by the Supreme
2 Court ~~when in~~ if:

3 (A) An indictment or information charges the judge in any
4 court in the United States with a crime punishable as a felony under the laws
5 of Arkansas or the United States or with any other offense that involves
6 moral turpitude; or

7 (B) In any court in the United States he or she pleads
8 guilty or no contest to, or is found guilty of, an offense punishable as, a
9 felony under the laws of Arkansas or the United States, or ~~of~~ any other
10 offense that involves moral turpitude.

11 (2)(A) If the judge requests a hearing on a suspension under
12 subdivision (a)(1) of this section, the Supreme Court shall:

13 (i) Hold the hearing no later than ten (10) days
14 after the request to determine whether the suspension with pay remains in
15 effect during the pendency of criminal proceedings against the judge; and

16 (ii) Notify the requesting judge and the Judicial
17 Discipline and Disability Commission of the date of the hearing.

18 (B) In the hearing under this subdivision (a)(2) the
19 Judicial Discipline and Disability Commission shall act as the opposing party
20 of the requesting judge.

21 (C) The suspension with pay under subdivision (a)(1)(A) of
22 this section shall be removed and the judge shall be allowed to perform his
23 or her duties as a judge if the judge shows at the hearing by a preponderance
24 of the evidence that:

25 (i) The performance of his or her duties as a judge
26 while charges are pending will not impair the public confidence in the
27 independence, integrity, and impartiality of the judiciary; and

28 (ii) The charges are not likely to result in a
29 conviction.

30 (b) If his or her conviction becomes final, he or she may be removed
31 from office pursuant to § 16-10-410.

32 (c)(1) If his or her conviction is reversed and he or she is cleared
33 of the charge, by order of the court, whether without further trial or after
34 further trial and a finding of not guilty, his or her suspension terminates.

35 (2) If the judge is suspended under subdivision (a)(1)(A) of
36 this section and the charge is subsequently dismissed, the judge's suspension

1 terminates.

2 (d) Nothing in this section shall prevent the Judicial Discipline and
3 Disability Commission from determining that a judge be disciplined or removed
4 according to § 16-10-410.

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/s/Baine