

Hall of the House of Representatives

91st General Assembly - Regular Session, 2017

Amendment Form

Subtitle of House Bill No. 1007

TO PROTECT CITIZENS WHO ARE VICTIMS OF JUDICIAL ETHICS VIOLATIONS; TO CREATE A CAUSE OF ACTION AGAINST JUDGES AND JUSTICES WHO HAVE BEEN CONVICTED OF CERTAIN OFFENSES; AND TO CREATE AN EXCEPTION TO JUDICIAL IMMUNITY.

Amendment No. 1 to House Bill No. 1007

Amend House Bill No. 1007 as originally introduced:

Page 2, delete lines 30 through 36, and substitute the following:

"(d) A prosecuting attorney may bring a cause of action under this section, and may, in his or her discretion, use any proceeds recovered in the proceeding to:

(1) Cover the prosecuting attorney's costs of the proceeding in which the adverse decision described in subsection (b) of this section occurred;

(2) Give to the victim or the estate of the victim of the crime that the prosecuting attorney was prosecuting in the proceeding in which the adverse decision described in subsection (b) under this section occurred;

(3) Donate to a nonprofit victims' rights advocacy group; or

(4) Donate to the State Treasury.

(e) The statute of limitations for a cause of action under this section:

(1) Is three (3) years;

(2) Begins to run the day the judge or justice is found guilty of, or pleads guilty to, nolo contendere to, or the equivalent of nolo contendere to, a criminal offense for conduct constituting bribery in any state or federal court, if the claim is brought under subdivision (b)(1) of this section; and

(3) Begins to run the day the disciplinary decision by the Supreme Court or the Judicial Discipline and Disability Commission is issued and made public, if the claim is brought under subdivision (b)(2) of this section.

(f)(1) If a cause of action is timely filed under this section and the judge or justice is deceased at the time of the filing or dies during the pendency of the cause of action, the person or the estate of the person filing the cause of action may proceed against the estate of the judge or justice.

(2) The estate of a person may proceed with a cause of action under this section against a judge, justice, or the estate of the judge or



justice, if the person dies before the cause of action accrues or during the pendency of the action.

(g) As used in this section:

(1) "Adverse decision" means a ruling in which a judge's or justice's order differs from the relief or request sought by a litigant on a motion or objection in a civil or criminal matter;

(2) "Bribery" means giving, offering, accepting, or agreeing to accept money or any other benefit, pecuniary or otherwise, for the purpose of affecting the outcome of a court proceeding or decision; and

(3) "Person" means any individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity."

AND

Page 3, delete lines 1 through 17.

The Amendment was read _____

By: Representative Tucker

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Chief Clerk