

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

HOUSE BILL 1456

By: Representative Baine

## For An Act To Be Entitled

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

## Subtitle

TO AMEND THE LAW CONCERNING SUSPENSION OF  
JUDGES; AND TO PROVIDE FOR THE AUTOMATIC  
SUSPENSION OF JUDGES WHO ARE CHARGED WITH  
CERTAIN CRIMES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 16-10-408 is amended to read as follows:  
16-10-408. Suspension with pay.

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

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

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

~~(3)~~ (2) When articles of impeachment have been voted by the House  
of Representatives.

SECTION 2. Arkansas Code § 16-10-409 is amended to read as follows:  
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                (b) If his or her conviction becomes final, he or she may be removed  
22 from office pursuant to § 16-10-410.

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

26                (2) If the judge is suspended under subdivision (a)(1)(A) of  
27 this section and the charge is subsequently dismissed, the judge's suspension  
28 terminates.

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