

Stricken language would be deleted from and underlined language would be added to present law.
Act 938 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/10/15
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.



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

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

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

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

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

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

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

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

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

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

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

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

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

terminates.

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

/s/Baine

APPROVED: 04/02/2015