

House Joint Resolution 31

Sponsored by Representative KROPF; Representative KRIEGER (at the request of Erin Bruce Thurber)

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**.

Proposes amendment to Oregon Constitution to allow House of Representatives to impeach certain elected or appointed state officials. Specifies grounds for impeachment. Requires trial by Senate. Specifies effect of impeachment.

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

JOINT RESOLUTION

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

PARAGRAPH 1. The Constitution of the State of Oregon is amended by repealing section 6, Article VII (Amended), and sections 19 and 20, Article VII (Original), by amending section 8, Article VII (Amended), and by creating a new section 5 to be added to and made a part of Article III, such sections to read:

SECTION 5. (1) The following officials may be impeached by a vote of at least 31 members of the House of Representatives:

(a) **The Governor.**

(b) **The Secretary of State.**

(c) **The State Treasurer.**

(d) **The Commissioner of the Bureau of Labor and Industries.**

(e) **The Attorney General.**

(f) **The director of each department of state government required by law to be appointed by the Governor and each full-time salaried head of a state agency required by law to be appointed by the Governor.**

(g) **A judge of the Supreme Court, the Court of Appeals, the Oregon Tax Court or of any circuit court.**

(2) **An official who is subject to this section may be impeached for malfeasance, crime, incapacity or negligence.**

(3) **Impeachment of an official subject to this section shall be tried by the Senate. When the Senate is sitting as a court of impeachment, the Senators shall be on oath to impartially try the party impeached, and an official may not be convicted without the concurrence of two-thirds of the members elected to the Senate.**

(4) **Upon conviction in the Senate, an official subject to this section shall be removed from office. In addition, the judgment of conviction may specify that the convicted official be disqualified from holding any public office in this state.**

(5) **Any official impeached under this section shall be suspended from the exercise of official duties during the pendency of the Senate proceedings. The suspension takes effect upon the vote of impeachment and remains in effect until the entry of a judgment of acquittal or**

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 conviction by the Senate.

2 (6) Nothing in this section prevents the indictment, trial and punishment of an official,
3 in the manner provided by law, for any offense committed by the official.

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

7 (a) Conviction in a court of this or any other state, or of the United States, of a crime
8 punishable as a felony or a crime involving moral turpitude; or

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

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

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

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

14 or

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

16 (2) [Notwithstanding section 6 of this Article, the] **The** methods provided in this section, section
17 1a of this Article, [and in] section 18, Article II, **and section 5, Article III** of this Constitution, are
18 the exclusive methods of the removal, suspension, or censure of a judge.

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

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