

SENATE BILL No. 439

By Senators Fitzgerald, Abrams, Arpke, Baumgardner, Donovan, Holmes, Knox,
LaTurner, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Powell, Pyle,
Smith and Tyson

2-10

Proposed Amendments

Senator Smith

March 10, 2016

Prepared by Jason Thompson

Office of Revisor of Statutes

AN ACT relating to grounds for impeachment of justices of the supreme
court and certain judges of the district court.

Be it enacted by the Legislature of the State of Kansas:

Section 1. For the purposes of sections 27 and 28 of article 2 and
section 15 of article 3 of the constitution of the state of Kansas, in an
impeachment proceeding against a justice of the supreme court or in a
proceeding for discipline, suspension or removal for cause against an
appointed judge of the district court, the grounds for such impeachment or
for such discipline, suspension or removal for cause shall include, but not
be limited to, any one or more of the following:

, other high crimes and misdemeanors

(a) Commission of treason;

(b) commission of bribery;

offenses which bear on the justice's fitness for the
duties such justice holds, which such justice is
bound by oath or affirmation to perform;

(c) commission of other indictable criminal offenses;

(d) commission of a breach of the public trust;

(e) commission of a breach of judicial ethics;

(f) failure to perform adequately the duties of office;

Redesignate subsections

(g) attempting to subvert fundamental laws and introduce arbitrary
power;

(h) attempting to usurp the power of the legislative or executive
branch of government;

(i) exhibiting discourteous conduct toward litigants, jurors, witnesses,
lawyers or others with whom the justice or judge deals in an official
capacity;

Strike

(j) exhibiting wanton or reckless judicial conduct;

(k) exhibiting personal misbehavior or misconduct;

(l) failure to properly supervise, administer or discipline judicial
personnel; or

(m) such other actions which in accordance with section 28 of article
2 of the constitution of the state of Kansas may constitute grounds for
impeachment or which in accordance with section 15 of article 3 of the
constitution of the state of Kansas may constitute grounds for discipline,
suspension or removal for cause.

Strike

Insert Sec. 2. -- see next page

Sec. 2. This act shall take effect and be in force from and after its

1 publication in the statute book.

Sec. 2. For the purposes of sections 27 and 28 of article 2 of the constitution of the state of Kansas, in an impeachment proceeding against a constitutional officer of the executive department, other high crimes and misdemeanors shall include, but not be limited to, any one or more of the following:

- (a) Commission of offenses which bear on the officer's fitness for the duties such officer holds, which such officer is bound by oath or affirmation to perform;
- (b) commission of other indictable criminal offenses;
- (c) commission of a breach of the public trust;
- (d) failure to perform adequately the duties of office;
- (e) attempting to subvert fundamental laws and introduce arbitrary power;
- (f) attempting to usurp the power of the legislative or judicial branch of government;
- (g) exhibiting discourteous conduct toward persons with whom the officer deals in an official capacity;
- (h) exhibiting wanton or reckless conduct;
- (i) exhibiting personal misbehavior or misconduct;
- (j) failure to properly supervise, administer or discipline executive branch personnel; or
- (k) such other actions which in accordance with section 28 of article 2 of the constitution of the state of Kansas may constitute grounds for impeachment.