

February 15, 2016

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 439 by Senators Fitzgerald, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning SB 439 is respectfully submitted to your committee.

The *Kansas Constitution* permits a justice of the Kansas Supreme Court to be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. Justices may be retired if it is determined that the justice is so incapacitated as to be unable to adequately perform his or her duties. A judge of a district court may be subject to retirement for incapacity, and to discipline, suspension, and removal for cause by the Supreme Court after an appropriate hearing. SB 439 would expand the grounds for impeachment of a Supreme Court Justice and establish grounds upon which a district court judge could be disciplined, suspended, and removed for cause to include the following:

1. Commission of treason;
2. Commission of bribery;
3. Commission of other indictable criminal offenses;
4. Commission of a breach of the public trust;
5. Commission of a breach of judicial ethics;
6. Failure to perform adequately the duties of office;
7. Attempting to subvert fundamental laws and introduce arbitrary power;
8. Attempting to usurp the power of the Legislative or Executive Branch of government;
9. Exhibiting discourteous conduct toward litigants, jurors, witnesses, lawyers or others with whom the justice or judge deals in an official capacity;
10. Exhibiting wanton or reckless judicial conduct;
11. Exhibiting personal misbehavior or misconduct;

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12. Failure to properly supervise, administer, or discipline judicial personnel; and
13. Other actions, which in accordance with Section 28 of Article 2 of the *Kansas Constitution* may constitute grounds for impeachment, or which in accordance with Section 15 or Article 3 of the *Kansas Constitution*, may constitute grounds for discipline, suspension, or removal for cause.

The Office of Judicial Administration indicates that if impeachment proceedings were brought against a justice or a disciplinary proceeding against a judge is held, the Judicial Branch could incur costs to provide other judges to handle the judge's or justice's work throughout the proceedings, and to sit with the court if the action is successful and a new judge or justice is appointed. However, an estimate of the fiscal effect on expenditures by the Judicial Branch cannot be determined.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Ashley Michaelis, Judiciary