

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

~~AN ACT relating to grounds for impeachment of~~ **concerning**
~~impeachment; relating to other high crimes and misdemeanors;~~
justices of the supreme court and ~~certain judges of the district court~~
constitutional officers of the executive department.

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,~~ **other high crimes and misdemeanors** shall include, but not be limited to, any one or more of the following:

- ~~(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)~~ **(b)** commission of other indictable criminal offenses;
- ~~(d)~~ **(c)** commission of a breach of the public trust;
- ~~(e)~~ **(d)** commission of a breach of judicial ethics;
- ~~(f)~~ **(e)** failure to perform adequately the duties of office;
- ~~(g)~~ **(f)** attempting to subvert fundamental laws and introduce arbitrary power;
- ~~(h)~~ **(g)** attempting to usurp the power of the legislative or executive branch of government;
- ~~(i)~~ **(h)** exhibiting discourteous conduct toward litigants, jurors, witnesses, lawyers or others with whom the justice ~~or judge~~ deals in an official capacity;
- ~~(j)~~ **(i)** exhibiting wanton or reckless judicial conduct;
- ~~(k)~~ **(j)** exhibiting personal misbehavior or misconduct;
- ~~(l)~~ **(k)** failure to properly supervise, administer or discipline judicial personnel; or
- ~~(m)~~ **(l)** such other actions which in accordance with section 28 of

1 article 2 of the constitution of the state of Kansas may constitute grounds
2 for impeachment or which in accordance with section 15 of article 3 of the
3 constitution of the state of Kansas may constitute grounds for discipline,
4 suspension or removal for cause.

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

10 ***(a) Commission of offenses which bear on the officer's fitness for***
11 ***the duties such officer holds, which such officer is bound by oath or***
12 ***affirmation to perform;***

13 ***(b) commission of other indictable criminal offenses;***

14 ***(c) commission of a breach of the public trust;***

15 ***(d) failure to perform adequately the duties of office;***

16 ***(e) attempting to subvert fundamental laws and introduce arbitrary***
17 ***power;***

18 ***(f) attempting to usurp the power of the legislative or judicial***
19 ***branch of government;***

20 ***(g) exhibiting discourteous conduct toward persons with whom the***
21 ***officer deals in an official capacity;***

22 ***(h) exhibiting wanton or reckless conduct;***

23 ***(i) exhibiting personal misbehavior or misconduct;***

24 ***(j) failure to properly supervise, administer or discipline executive***
25 ***branch personnel; or***

26 ***(k) such other actions which in accordance with section 28 of***
27 ***article 2 of the constitution of the state of Kansas may constitute***
28 ***grounds for impeachment.***

29 ***Sec. 3.*** This act shall take effect and be in force from and after its
30 publication in the statute book.