{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

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

1　AN ACT ~~relating to grounds for impeachment of~~ *concerning*
2　*impeachment; relating to other high crimes and misdemeanors;*
3　justices of the supreme court and ~~certain judges of the district court~~
4　*constitutional officers of the executive department*.
5
6　*Be it enacted by the Legislature of the State of Kansas:*
7　　　Section 1.　*{Justices of the supreme court may be removed from*
8　*office by impeachment for, and conviction of, treason, bribery or other*
9　*high crimes and misdemeanors.}* For the purposes of sections 27 and 28
10　of article 2 and section 15 of article 3 of the constitution of the state of
11　Kansas, in an impeachment proceeding against a justice of the supreme
12　court ~~or in a proceeding for discipline, suspension or removal for cause~~
13　~~against an appointed judge of the district court, the grounds for such~~
14　~~impeachment or for such discipline, suspension or removal for cause~~*,*
15　*other high crimes and misdemeanors* shall include, but not be limited to,
16　any one or more of the following:
17　　　(a)　Commission of ~~treason;~~
18　　　~~(b)　commission of bribery~~ *offenses which bear on the justice's*
19　*fitness for the duties such justice holds, which such justice is bound by*
20　*oath or affirmation to perform*;
21　　　~~(c)~~ *(b)*　commission of other indictable criminal offenses;
22　　　~~(d)~~ *(c)*　commission of a breach of the public trust;
23　　　~~(e)~~ *(d)*　commission of a breach of judicial ethics;
24　　　~~(f)~~ *(e)*　failure to perform adequately the duties of office;
25　　　~~(g)~~ *(f)*　attempting to subvert fundamental laws and introduce arbitrary
26　power;
27　　　~~(h)~~ *(g)*　attempting to usurp the power of the legislative or executive
28　branch of government;
29　　　~~(i)~~ *(h)*　exhibiting discourteous conduct toward litigants, jurors,
30　witnesses, lawyers or others with whom the justice ~~or judge~~ deals in an
31　official capacity;
32　　　~~(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 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.

Sec. 2.   {The governor and all other officers under the constitution of the state of Kansas shall be removed from office on impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors.} 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.

Sec. 2. *3.*   This act shall take effect and be in force from and after its publication in the statute book.