

.....
(Original Signature of Member)

109TH CONGRESS
1ST SESSION

H. R. _____

To amend title 28, United States Code, to establish standards for
impeachment of justices and judges of the United States.

IN THE HOUSE OF REPRESENTATIVES

Mr. AKIN introduced the following bill; which was referred to the Committee
on _____

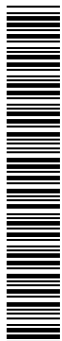
A BILL

To amend title 28, United States Code, to establish stand-
ards for impeachment of justices and judges of the
United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Judicial Conduct Act
5 of 2005”.



1 **SEC. 2. STANDARDS FOR IMPEACHMENT OF JUSTICES AND**
2 **JUDGES.**

3 (a) IN GENERAL.—Chapter 16 of title 28, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 365. Standards for impeachment**

7 “(a) CONSTITUTIONAL BASIS.—

8 “(1) ARTICLE II, SECTION 4.—A justice or
9 judge of the United States shall be removed from of-
10 fice on impeachment for, and conviction of, treason,
11 bribery, or other high crimes and misdemeanors, as
12 provided in Article II, section 4 of the United States
13 Constitution.

14 “(2) ARTICLE III, SECTION 1.—A justice or
15 judge of the United States shall hold the office dur-
16 ing good behavior as provided in Article III, section
17 1 of the United States Constitution. A justice or
18 judge failing to act during good behavior shall be re-
19 moved from office.

20 “(b) DEFINITIONS.—In this section:

21 “(1) The term ‘treason’ means levying war
22 against the United States or in adhering to its en-
23 emies, giving them aid and comfort.

24 “(2) The term ‘bribery’ means offering, giving,
25 receiving, or soliciting something of value for the



1 purpose of influencing the action of an official in the
2 discharge of his or her public or legal duties.

3 “(3) The term ‘other high crimes and mis-
4 demeanors’ means, with respect to a justice or
5 judge, any act of misbehavior or misconduct by such
6 justice or judge, which evidences an unfitness for the
7 bench, including, but not limited to, the following:

8 “(A) Any criminal offense punishable by
9 death or imprisonment for a term exceeding one
10 year.

11 “(B) Usurpation of power.

12 “(C) Unblushing or notorious partiality or
13 favoritism.

14 “(D) Indolence or neglect.

15 “(E) Disgraceful or indecent behavior.

16 “(F) Incivility, rudeness, or insolence to-
17 ward counsel, litigants, or witnesses.

18 “(G) Using the office for personal ends.

19 “(H) Entering or enforcement of orders
20 and decisions beyond the jurisdiction of the
21 court in which the justice or judge serves.

22 “(I) Entering or enforcement of orders and
23 decisions based on judgments, laws, agree-
24 ments, or pronouncements of foreign institu-



1 tions, governments, or multilateral organiza-
2 tions.

3 “(J) Entering or enforcement of orders
4 and decisions in contradiction of the original
5 understanding of the United States Constitu-
6 tion.

7 “(K) Entering or enforcement of orders
8 and decisions based on precedent from previous
9 Federal court decisions that conflicts or is in-
10 consistent with the text of the United States
11 Constitution.

12 “(4) The term ‘failing to act during good be-
13 havior’ includes committing an act of treason, brib-
14 ery, or any of the other high crimes and mis-
15 demeanors.

16 “(5) The term ‘original understanding of the
17 United States Constitution’ means, with respect to a
18 justice or judge, that such justice or judge should be
19 guided, in applying a provision of the Constitution,
20 by the principles that the ratifiers of that provision
21 understood themselves to be enacting.

22 “(c) PRECEDENCE PRESERVED.—Nothing in this
23 section shall be construed to limit or replace a basis for
24 impeachment accepted before the enactment of this sec-
25 tion.”.



1 (b) CONFORMING AMENDMENT.—The table of sec-
2 tions for chapter 16 of title 28, United States Code, is
3 amended by adding at the end the following new item:

“365. Standards for impeachment.”.

