

105TH CONGRESS  
1ST SESSION

# S. 33

To provide that a Federal justice or judge convicted of a felony shall be suspended from office without pay, to amend the retirement age and service requirements for Federal justices and judges convicted of a felony, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. THURMOND introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide that a Federal justice or judge convicted of a felony shall be suspended from office without pay, to amend the retirement age and service requirements for Federal justices and judges convicted of a felony, and for other purposes.

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. PAY AND RETIREMENT OF A FEDERAL JUSTICE**

4 **OR JUDGE CONVICTED OF A FELONY.**

5 (a) **SUSPENSION WITHOUT PAY.—**

6 (1) **SUPREME COURT JUSTICES.—**

1 (A) IN GENERAL.—Section 3 of title 28,  
2 United States Code, is amended—

3 (i) by inserting “(a)” before “When-  
4 ever the”; and

5 (ii) by adding at the end the following  
6 new subsections:

7 “(b) Justices of the Supreme Court shall hold office  
8 during good behavior.

9 “(c)(1) For purposes of the tenure or appointment  
10 of a justice, the term ‘good behavior’ shall not include any  
11 offense committed by a justice if the conviction of such  
12 offense is a felony that—

13 “(A) is punishable by death or imprisonment  
14 for a term exceeding one year; and

15 “(B) involves moral turpitude.

16 “(2)(A) Subject to subparagraph (B), a justice con-  
17 victed of a felony described under paragraph (1) shall be  
18 suspended from office without pay. Such suspension shall  
19 be effective on and after the date on which the verdict  
20 of guilt of such felony is entered.

21 “(B)(i) In the event of reversal of the conviction upon  
22 final appeal, the justice shall be reinstated with back pay,  
23 unless impeached.

1       “(ii) If articles of impeachment of the justice are re-  
 2       ported to the House of Representatives and the final dis-  
 3       position of the articles is not a conviction in the Senate,  
 4       the justice shall be reinstated without back pay.”.

5                       (B) TECHNICAL AND CONFORMING AMEND-  
 6                       MENTS.—

7                       (i) The section heading for section 3  
 8                       of title 28, United States Code, is amended  
 9                       to read as follows:

10   **“§ 3. Vacancy in office of Chief Justice; disability;  
 11                       service by justices during good behavior”.**

12                       (ii) The table of sections for chapter  
 13                       1 of title 28, United States Code, is  
 14                       amended by amending the item relating to  
 15                       section 3 to read as follows:

      “3. Vacancy in office of Chief Justice; disability; service of justices during good  
       behavior.”.

16                       (2) CIRCUIT JUDGES.—Section 44(b) of title  
 17                       28, United States Code, is amended—

18                       (A) by inserting “(1)” before “Circuit  
 19                       judges”; and

20                       (B) by adding at the end the following new  
 21                       paragraph:

1           “(2)(A) For purposes of the tenure or appointment  
2 of a circuit judge, the term ‘good behavior’ shall not in-  
3 clude any offense committed by a circuit judge if the con-  
4 viction of such offense is a felony that—

5                   “(i) is punishable by death or imprisonment for  
6 a term exceeding one year; and

7                   “(ii) involves moral turpitude.

8           “(B) Subject to subparagraph (C), a circuit judge  
9 convicted of a felony described under subparagraph (A)  
10 shall be suspended from office without pay. Such suspen-  
11 sion shall be effective on and after the date on which the  
12 verdict of guilt of such felony is entered.

13           “(C)(i) In the event of reversal of the conviction upon  
14 final appeal, the circuit judge shall be reinstated with back  
15 pay, unless impeached.

16           “(ii) If articles of impeachment of the judge are re-  
17 ported to the House of Representatives and the final dis-  
18 position of the articles is not a conviction in the Senate,  
19 the circuit judge shall be reinstated without back pay.”.

20           (3) DISTRICT JUDGES.—Section 134(a) of title  
21 28, United States Code, is amended—

22                   (A) by inserting “(1)” before “The district  
23 judges”; and

24                   (B) by adding at the end the following new  
25 paragraph:

1           “(2)(A) For purposes of the tenure or appointment  
2 of a district judge, the term ‘good behavior’ shall not in-  
3 clude any offense committed by a judge if the conviction  
4 of such offense is a felony that—

5           “(i) is punishable by death or imprisonment for  
6 a term exceeding one year; and

7           “(ii) involves moral turpitude.

8           “(B) Subject to subparagraph (C), a district judge  
9 convicted of a felony described under subparagraph (A)  
10 shall be suspended from office without pay. Such suspen-  
11 sion shall be effective on and after the date on which the  
12 verdict of guilt of such felony is entered.

13           “(C)(i) In the event of reversal of the conviction upon  
14 final appeal, the district judge shall be reinstated with  
15 back pay, unless impeached.

16           “(ii) If articles of impeachment of the judge are re-  
17 ported to the House of Representatives and the final dis-  
18 position of the articles is not a conviction in the Senate,  
19 the district judge shall be reinstated without back pay.”.

20           (b) RETIREMENT AGE AND SERVICE REQUIREMENTS  
21 FOR FEDERAL JUSTICES AND JUDGES CONVICTED OF A  
22 FELONY.—Section 371(c) of title 28, United States Code,  
23 is amended—

24           (1) by inserting “(1)” after “(c)”; and

1           (2) by adding at the end the following new  
2 paragraph:

3           “(2)(A) Subject to subparagraph (B), if a justice or  
4 judge is convicted of a felony punishable by death or im-  
5 prisonment for a term exceeding one year and which in-  
6 volves moral turpitude, the age and years of service of the  
7 justice or judge on the date on which the verdict of guilt  
8 of such felony is entered, shall be the attained age and  
9 years of service of the justice or judge for purposes of  
10 paragraph (1).

11           “(B) Subparagraph (A) shall not apply if—

12                 “(i) the conviction is reversed upon final appeal,  
13 unless the justice or judge is impeached; or

14                 “(ii) articles of impeachment of the justice or  
15 judge are reported to the House of Representatives  
16 and the final disposition of the articles is not a con-  
17 viction in the Senate.”.

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