

AMENDMENTS TO LB 782

Introduced by Chambers, 11.

1 1. Insert the following section:

2 Section 1. Section 24-721, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 24-721 Any citizen of the State of Nebraska shall
5 have the right at all times to complain to the Commission on
6 Judicial Qualifications with reference to the acts, activities,
7 or qualifications of any Justice or judge of the Supreme Court
8 or judge of any of the courts of the State of Nebraska or to
9 request that the commission consider the qualifications of any
10 Justice or judge of the Supreme Court or judge of any of the
11 courts of the State of Nebraska. Upon receipt of any such complaint
12 or request, the commission shall make such investigation as it
13 determines to be necessary. The commission shall have the right
14 to subpoena witnesses; to hold hearings; to require the Justice
15 or judge to submit to physical or mental examination by medical
16 experts; to appoint special masters to conduct hearings; to make
17 independent investigations, either by members of the commission
18 or by special investigators employed by the commission; to hold
19 confidential prehearing proceedings with the person or persons
20 filing the complaint or request, or with his or her or their agents
21 or attorneys; and to hold confidential prehearing proceedings with
22 the judge or Justice involved in the complaint or request. If
23 the commission finds probable cause for the existence of any of

1 the grounds for disciplinary action or retirement specified in
2 section 24-722, it shall reprimand the Justice or judge or order a
3 formal open hearing to be held before it concerning the reprimand,
4 discipline, censure, suspension, removal, or retirement of such
5 Justice or judge. ~~Any reprimand shall be public and shall be~~
6 ~~announced in a fashion similar to that of a published opinion~~
7 ~~of the Supreme Court.~~ A judge who receives official notice of a
8 complaint or request pursuant to this section shall not be allowed
9 to retire pursuant to the Judges Retirement Act until the matter is
10 resolved by the commission or the Supreme Court, if the commission
11 recommends action by the court. If a hearing is ordered, the
12 commission shall advise the judge or Justice involved, in writing,
13 of the specific charges which have been made and supported,
14 substantiated, or revealed by the independent investigation of the
15 commission. The judge or Justice shall be given reasonable time in
16 which to formally answer such charges in writing and the matter
17 shall then be set for formal open hearing, at which time the
18 commission shall cause the testimony and the documentary evidence
19 relating to the charges to be produced and recorded in such manner
20 as the commission shall determine to be advisable, giving the judge
21 or Justice involved and his or her attorney a full opportunity to
22 question and cross-examine the witnesses and evidence so produced.
23 The judge or Justice shall have an opportunity to produce at such
24 hearing, testimony, evidence, and documents relating to the charges
25 involved; thereafter any rebuttal evidence may be produced. In
26 the alternative or in addition, the commission may request the
27 Supreme Court to appoint one or more special masters who shall

1 be judges of courts of record to hold a formal open hearing to
2 take evidence in any such matter, and to report to the commission.
3 Whenever any person shall refuse to testify or to produce books,
4 papers, or other evidence when required to do so in any hearing
5 held before the Commission on Judicial Qualifications or before a
6 special master or masters appointed under the provisions of this
7 section for the reason that the testimony or evidence required of
8 him or her may tend to incriminate him or her or subject him or her
9 to a forfeiture or penalty, he or she may nevertheless be compelled
10 to testify or produce such evidence by order of the Commission
11 on Judicial Qualifications or special master or masters on motion
12 of counsel to the commission. No person who testifies or produces
13 evidence in obedience to the command of the commission or special
14 master or masters in such case shall be liable to any forfeiture
15 or penalty for or on account of any transaction, matter, or thing
16 concerning or arising from that as to which he or she may so
17 testify or produce evidence, nor shall such testimony or evidence
18 be used directly or indirectly in any proceedings against him or
19 her, except that no person shall be exempt from prosecution and
20 punishment for perjury or contempt committed in so testifying. The
21 requirement to testify or produce evidence shall not apply when
22 such person proves the real and substantial danger of a prosecution
23 against him or her in another jurisdiction based on the admissions
24 to be made by him or her in this state. The commission or special
25 master or masters shall have power to punish for contempt for any
26 action specified in section 25-2121. If, after formal open hearing,
27 or after considering the record and report of the masters, the

1 commission finds that the charges are established by clear and
2 convincing evidence, it shall recommend to the Supreme Court that
3 the Justice or judge of the Supreme Court or other judge involved
4 shall be reprimanded, disciplined, censured, suspended without pay
5 for a definite period of time not to exceed six months, removed,
6 or retired as the case may be. All hearings before the commission
7 and all proceedings before masters and before the Supreme Court
8 shall be conducted in accordance with rules promulgated or to be
9 promulgated by the Supreme Court.

10 2. On page 7, line 5, strike "section" and insert
11 "sections 24-721 and".

12 3. Renumber the remaining sections and correct internal
13 references accordingly.