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(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.

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**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. STANDARDS FOR IMPEACHMENT OF JUSTICES**  
4 **AND JUDGES.**

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



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

2 “(a) CONSTITUTIONAL BASIS.—

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

9 “(2) ARTICLE III, SECTION 1.—A justice or  
10 judge of the United States shall hold the office dur-  
11 ing good behavior as provided in Article III, section  
12 1 of the United States Constitution. A justice or  
13 judge failing to act during good behavior shall be re-  
14 moved from office.

15 “(b) DEFINITIONS.—In this section:

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

19 “(2) The term ‘bribery’ means offering, giving,  
20 receiving, or soliciting something of value for the  
21 purpose of influencing the action of an official in the  
22 discharge of his or her public or legal duties.

23 “(3) The term ‘other high crimes and mis-  
24 demeanors’ means, with respect to a justice or  
25 judge, any act of misbehavior or misconduct by such



1 justice or judge, which evidences an unfitness for the  
2 bench, including, but not limited to, the following:

3 “(A) Any criminal offense punishable by  
4 death or imprisonment for a term exceeding one  
5 year.

6 “(B) Usurpation of power.

7 “(C) Unblushing or notorious partiality or  
8 favoritism.

9 “(D) Indolence or neglect.

10 “(E) Disgraceful or indecent behavior.

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

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

14 “(H) Entering or enforcement of orders  
15 and decisions beyond the jurisdiction of the  
16 court in which the justice or judge serves.

17 “(I) Entering or enforcement of orders and  
18 decisions based on judgments, laws, agree-  
19 ments, or pronouncements of foreign institu-  
20 tions, governments, or multilateral organiza-  
21 tions.

22 “(J) Entering or enforcement of orders  
23 and decisions in contradiction of the original  
24 understanding of the United States Constitu-  
25 tion.



1           “(K) Entering or enforcement of orders  
2           and decisions based on precedent from previous  
3           Federal court decisions that conflicts or is in-  
4           consistent with the text of the United States  
5           Constitution.

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

10           “(5) The term ‘original understanding of the  
11           United States Constitution’ means, with respect to a  
12           justice or judge, that such justice or judge should be  
13           guided, in applying a provision of the Constitution,  
14           by the principles that the ratifiers of that provision  
15           understood themselves to be enacting.

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

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

          “365. Standards for impeachment.”.

