

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 528

Short Title: Remove Judicial Gag Rule.

(Public)

Sponsors: Representative Wood.

Referred to: Judiciary I.

March 23, 1995

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE RESTRICTIONS ON JUDICIAL CAMPAIGNS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-376 reads as rewritten:
"§ 7A-376. **Grounds for censure or removal.**

Upon recommendation of the Commission, the Supreme Court may censure or remove any judge for willful misconduct in office, willful and persistent failure to perform his duties, habitual intemperance, conviction of a crime involving moral turpitude, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute. No speech, campaign advertisement, literature, or conduct in the course of a campaign by a judicial candidate in the campaign of that candidate is conduct prejudicial to the administration of justice that brings the judicial office into disrepute if such act is lawful for a candidate for nonjudicial office. Upon recommendation of the Commission, the Supreme Court may remove any judge for mental or physical incapacity interfering with the performance of his duties, which is, or is likely to become, permanent. A judge removed for mental or physical incapacity is entitled to retirement compensation if he has accumulated the years of creditable service required for incapacity or disability retirement under any provision of State law, but he shall not sit as an emergency justice or judge. A judge removed for other than mental or physical

1 incapacity receives no retirement compensation, and is disqualified from holding further
2 judicial office."

3 Sec. 2. This act is effective upon ratification.