

Chapter 5 Impeachments

77-5-1 Officers liable to impeachment.

The governor and other state and judicial officers shall be liable to impeachment for high crimes and misdemeanors or malfeasance in office.

Amended by Chapter 471, 2015 General Session

77-5-2 Chief justice to preside, when.

When the governor is on trial, the chief justice of the Supreme Court shall preside, and, in case he is disqualified or unable to act, the Senate shall select some other justice of the Supreme Court to preside.

Enacted by Chapter 15, 1980 General Session

77-5-3 Two-thirds vote of House required.

The House of Representatives shall have the sole power of impeachment, but in order to impeach, two-thirds of all the members elected shall vote therefor. Impeachments shall be by resolution. The resolution shall originate in and be adopted by the House of Representatives.

Enacted by Chapter 15, 1980 General Session

77-5-4 Trial by Senate.

All impeachments shall be tried by the Senate sitting for that purpose.

Enacted by Chapter 15, 1980 General Session

77-5-5 Hearing, notice of -- Defendant served with articles.

The Senate shall assign a day for the hearing of the impeachment and inform the House of Representatives. The president of the Senate shall cause a copy of the articles of impeachment, with a notice to appear and answer the same at the time and place appointed, to be served on the officer being impeached not less than 10 days before the day fixed for the hearing.

Enacted by Chapter 15, 1980 General Session

77-5-6 Suspension on filing articles -- Vacancy, how filled.

When articles of impeachment are presented to the Senate, and the officer has been served with a copy of the articles, the officer shall be temporarily suspended from office and may not exercise the duties of the office until the officer is acquitted. Upon the suspension of any officer, other than the governor, or a justice or judge of a court of record, the office shall be temporarily filled by an appointment made by the governor, with the advice and consent of the Senate, until the acquittal of the party impeached, or, in the case of the officer's removal, until the vacancy is filled at the next election as provided by law.

Amended by Chapter 352, 2020 General Session

77-5-7 Senators to be sworn -- Two-thirds required for proceedings.

At the time and place appointed, and before the Senate proceeds to act on the impeachment, the secretary shall administer to the president of the Senate, and the president of the Senate shall administer to each of the members of the Senate then present, an oath or affirmation to do justice according to law and the evidence and no member of the Senate shall act or vote on the impeachment, or any question arising on it without taking the oath or affirmation and being present during the proceedings. No proceedings shall be conducted unless at least two-thirds of the senators elected and entitled to vote are present.

Enacted by Chapter 15, 1980 General Session

77-5-8 Two-thirds vote necessary for conviction.

The officer shall not be convicted on impeachment without the concurrence of two-thirds of the senators elected, voting by ayes and nays, and if two-thirds of the senators elected do not concur in a conviction, he shall be acquitted.

Enacted by Chapter 15, 1980 General Session

77-5-9 Nature of judgment.

The judgment may be that the officer be suspended, or removed from office and disqualified to hold any office of honor, trust, or profit in the state.

Enacted by Chapter 15, 1980 General Session

77-5-10 Effect of judgment.

If judgment of suspension is given, the officer, during the continuance thereof, is disqualified from receiving the salary, fees, or emoluments of the office.

Enacted by Chapter 15, 1980 General Session

77-5-11 Impeachment not a bar to prosecution.

The officer, whether convicted or acquitted, shall nevertheless be liable to prosecution, trial, and punishment according to law for any offense committed that constituted a basis for the impeachment proceedings.

Enacted by Chapter 15, 1980 General Session

77-5-12 Rules of procedure.

The procedure for impeachment proceedings shall be adopted by rule in each house and such rules shall govern.

Enacted by Chapter 15, 1980 General Session