

**RESOLUTION INITIATING IMPEACHMENT  
PROCEEDINGS FOR JUDGE RAY M.  
HARDING, JR.**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Neal B. Hendrickson**

David Ure

**This resolution of the House of Representatives initiates impeachment proceedings against Judge Ray M. Harding, Jr. of Utah's Fourth District for high crimes, misdemeanors, and malfeasance.**

*Be it resolved by the House of Representatives of the state of Utah:*

WHEREAS, Ray M. Harding, Jr. was appointed to the bench by Governor Michael O. Leavitt in September, 1999;

WHEREAS, on July 13, 2002, Judge Ray M. Harding, Jr., the presiding judge in Utah's Fourth District, was arrested for possession of drugs and drug paraphernalia;

WHEREAS, Judge Harding tested positive for traces of cocaine and heroin;

WHEREAS, on July 15, 2002, Judge Harding was suspended from the bench by Utah Supreme Court Justice Christine Durham, pending the resolution of the criminal charges;

WHEREAS, search warrants allegedly found cocaine, heroin, and barbiturates;

WHEREAS, on September 9, 2002, Judge Harding was charged with two third-degree felony counts of possession or use of a controlled substance;

WHEREAS, if convicted, Judge Harding could face a maximum penalty of up to five years in prison for each count;

WHEREAS, for the more than six months since his arrest, Judge Harding has been on paid administrative leave, drawing his annual salary of \$103,000;

WHEREAS, since his arrest, Judge Harding spent three months in a California drug-treatment facility;

WHEREAS, Judge Harding remains free on \$10,000 bail;

WHEREAS, the Utah Constitution, Article VI, Section 19 provides that "Judicial

officers . . . shall be liable to impeachment for high crimes, misdemeanors, or malfeasance in office", with the Legislature's power of judgment extending only "to removal from office and disqualification to hold any office of honor, trust or profit in the State"; and

WHEREAS, House Rule 37.10 of the Fifty-Fifth Legislature (2003) provides: "If any member submits a resolution to the House to begin impeachment proceedings, the House shall adopt, by majority vote, policies establishing procedures for, and governing the conduct of, the impeachment process":

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the state of Utah find that the alleged conduct of Judge Ray M. Harding, Jr. of Utah's Fourth District necessitates the commencement of impeachment proceedings by the House.

BE IT FURTHER RESOLVED that, by passing this resolution, the House of Representatives begins impeachment proceedings and that inquiry will begin as soon as rules governing the impeachment proceedings are approved by the House of Representatives.