

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

4 2003 GENERAL SESSION

5 STATE OF UTAH

6 **Sponsor: Neal B. Hendrickson**

7 David Ure

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

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

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

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

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

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

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

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

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

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

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



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

29 WHEREAS, the Utah Constitution, Article VI, Section 19 provides that "Judicial
30 officers . . . shall be liable to impeachment for high crimes, misdemeanors, or malfeasance in
31 office", with the Legislature's power of judgment extending only "to removal from office and
32 disqualification to hold any office of honor, trust or profit in the State"; and

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

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

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

Legislative Review Note
as of 2-4-03 4:24 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**Bill Number HR0009****Resolution Initiating Impeachment Proceedings for Judge Ray M.
Harding, Jr.***12-Feb-03**11:31 AM*

State Impact

Fiscal impact required to implement provisions of this resolution can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst