

103^D CONGRESS
2^D SESSION

S. 2147

To amend chapter 21 of title 28, United States Code, to clarify the standard by which a justice, judge, or magistrate shall disqualify himself from a hearing.

IN THE SENATE OF THE UNITED STATES

MAY 24 (legislative day, MAY 16), 1994

Mr. DECONCINI introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 21 of title 28, United States Code, to clarify the standard by which a justice, judge, or magistrate shall disqualify himself from a hearing.

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. DISQUALIFICATION OF JUSTICE, JUDGE, OR**
4 **MAGISTRATE.**

5 Section 455(a) of title 28, United States Code, is
6 amended—

7 (1) by inserting “(1)” after “(a)”; and

8 (2) by adding at the end thereof the following
9 new paragraph:

1 “(2)(A) For purposes of paragraph (1), the impar-
2 tiality of a justice, judge, or magistrate shall be reasonably
3 questioned if the judicial or extrajudicial actions or state-
4 ments of such justice, judge, or magistrate would cause
5 a reasonable person to believe that an impartial proceeding
6 is unlikely.

7 “(B) The provisions of subparagraph (A) shall not
8 be construed as the only basis to reasonably question the
9 impartiality of a justice, judge, or magistrate, such as a
10 question of such impartiality on the basis of—

11 “(i) a financial interest of a justice, judge, or
12 magistrate; or

13 “(ii) any other basis described under subsection
14 (b).”.

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