

Regular Session, 2010

HOUSE BILL NO. 289

BY REPRESENTATIVE HARDY

JUDGES: (Constitutional Amendment) Provides with respect to domicile requirements for certain judges

1 A JOINT RESOLUTION

2 Proposing to amend Article V, Section 24(A) of the Constitution of Louisiana, relative to the
3 qualification of judges; to provide for domicile requirements of judges in the district,
4 circuit, parish, or division as applicable; to provide for submission of the proposed
5 amendment to the electors; and to provide for related matters.

6 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
7 elected to each house concurring, that there shall be submitted to the electors of the state of
8 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
9 amend Article V, Section 24(A) of the Constitution of Louisiana, to read as follows:

10 §24. Judges; Qualifications

11 Section 24.(A) A judge of the supreme court, a court of appeal, district court,
12 family court, parish court, or court having solely juvenile jurisdiction shall have been
13 domiciled in the respective district, circuit, ~~or parish, and division~~ for one year
14 preceding election and shall remain domiciled in the respective district, circuit,
15 parish, and division while seeking office and during his term as judge. A failure to
16 remain domiciled in the respective district, circuit, parish, and division shall result
17 in a vacancy to the judgeship and a special election shall be called or another judge
18 shall be appointed, as provided by law. A judge of the supreme court, a court of
19 appeal, district court, family court, parish court, or court having solely juvenile
20 jurisdiction shall have been admitted to the practice of law in the state for at least the
21 number of years specified as follows:

1 (1) For the supreme court or a court of appeals - ten years.

2 (2) For a district court, family court, parish court, or court having solely
3 juvenile jurisdiction - eight years.

4 * * *

5 Section 2. Be it further resolved that this proposed amendment shall be submitted
6 to the electors of the state of Louisiana at the statewide election to be held on November 2,
7 2010.

8 Section 3. Be it further resolved that on the official ballot to be used at said election
9 there shall be printed a proposition, upon which the electors of the state shall be permitted
10 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall
11 read as follows:

12 To provide that judges and candidates for judge shall be domiciled in the
13 respective district, circuit, parish, and division while seeking office, and
14 during his term as judge. Failure to remain domiciled in the district, circuit,
15 parish, or division shall result in a vacancy and a new judge shall be
16 appointed or elected, as provided for by law. (Amends Article V, Section
17 24(A))

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hardy

HB No. 289

Abstract: Provides that a judge shall remain domiciled in his district, circuit, parish, or division while running for office and during the term of office, and provides that a vacancy will occur if the judge moves out of the district, circuit, parish, or division.

Present constitution requires that judges of the supreme court, court of appeal, district court, family court, parish court, or court exercising juvenile jurisdiction live within their districts, circuits, or parishes for the two years preceding an election.

Proposed constitutional amendment requires the same judges to live within their respective divisions and also requires that they remain domiciled in their districts, circuits, parishes, or divisions during the entire term.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 2, 2010.

(Amends Const. Art. V, §24(A))