

SENATE BILL NO. 177

BY SENATOR MORRIS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

A JOINT RESOLUTION

Proposing to amend Article V, Section 25(C) and to add Article V, Section 25(A)(4) of the Constitution of Louisiana, relative to the judiciary commission; to require the judiciary commission to conduct certain investigations; to provide for membership of the judiciary commission; to specify an election for submission of the proposition to electors; and to provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article V, Section 25(C) and to add Article V, Section 25(A)(4) of the Constitution of Louisiana, to read as follows:

§25. Judiciary Commission

Section 25.(A) Composition. The judiciary commission shall consist of

* * *

(4) two appointees of the speaker of the Louisiana House of Representatives, two appointees of the president of the Louisiana Senate, and one appointee of the governor.

* * *

(C) Powers. ~~On recommendation of the judiciary commission, the~~ **The** supreme court may, **after an investigation by the judiciary commission, which shall be instituted on recommendation by the judiciary commission or by directive of a majority of the supreme court,** censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, **malfeasance while in office,** conduct while in office which would constitute a felony, or conviction of a felony. ~~On~~

1 ~~recommendation of the judiciary commission, the~~ The supreme court may, on
2 recommendation of the judiciary commission, or on its own motion, disqualify
3 a judge from exercising any judicial function, without loss of salary, during
4 pendency of proceedings in the supreme court. ~~On recommendation of the judiciary~~
5 ~~commission, the~~ The supreme court may, after an investigation by the judiciary
6 commission, which shall be instituted on recommendation by the judiciary
7 commission or by directive of a majority of the supreme court, retire
8 involuntarily a judge for disability that seriously interferes with the performance of
9 his duties and that is or is likely to become permanent. The supreme court shall make
10 rules implementing this Section ~~and providing for confidentiality and privilege of~~
11 ~~commission proceedings.~~

* * *

13 Section 2. Be it further resolved that this proposed amendment shall be submitted to
14 the electors of the state of Louisiana at the statewide election to be held on December 7,
15 2024.

16 Section 3. Be it further resolved that on the official ballot to be used at said election
17 there shall be printed a proposition, upon which the electors of the state shall be permitted
18 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
19 follows:

20 Do you support an amendment to allow the supreme court to sanction a judge
21 upon an investigation by the judiciary commission, and provide that the
22 recommended sanction shall be instituted by the judiciary commission or by
23 a majority of the supreme court, and to provide for the appointment of five
24 members of the judiciary commission?

(Amends Article V, Section 25(C); adds Article V, Section 25(A)(4))

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES