



1 judge from exercising any judicial function, without loss of salary, during pendency  
 2 of proceedings in the supreme court. On recommendation of the judiciary  
 3 commission, the supreme court may retire involuntarily a judge for disability that  
 4 seriously interferes with the performance of his duties and that is or is likely to  
 5 become permanent. The supreme court shall make rules implementing this Section  
 6 and providing for ~~confidentiality and privilege of commission proceedings;~~ however,  
 7 all matters related to the confidentiality and privilege of commission documents and  
 8 proceedings shall be provided by law.

\* \* \*

10 Section 2. Be it further resolved that this proposed amendment shall be submitted  
 11 to the electors of the state of Louisiana at the statewide election to be held on November 3,  
 12 2020.

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

17 Do you support an amendment to provide that matters related to the  
 18 confidentiality of documents and proceedings related to disciplinary actions  
 19 against judges shall be provided by law rather than by rules of the state  
 20 supreme court? (Amends Article V, Section 25(C))

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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)]

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HB 90 Original

2020 Regular Session

Zeringue

**Abstract:** Provides that matters related to the confidentiality and privilege of documents and proceedings related to the discipline of judges by the judiciary commission shall be provided by law rather than by rules of the supreme court.

Present constitution creates and provides for the judiciary commission. Provides that the commission shall be composed of one court of appeal judge and two district court judges selected by the supreme court; two attorneys admitted to the practice of law for at least 10 years and one attorney admitted to the practice of law for at least three years but not more than 10 years (not active or retired judges or public officials), selected by the Conference of

Court of Appeal Judges or its successor; and three citizens (not lawyers, active or retired judges, or public officials) selected by the La. District Judges' Assoc. or its successor. Provides that the supreme court, upon recommendation of the judiciary commission, may:

- (1) 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, conduct while in office which would constitute a felony, or conviction of a felony.
- (2) Disqualify a judge from exercising any judicial function, without loss of salary, during proceedings in the supreme court.
- (3) Retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is or is likely to become permanent.

Present constitution requires the supreme court to make rules implementing the provisions of the present constitution regarding the judiciary commission and providing for confidentiality and privilege of commission proceedings.

Proposed constitutional amendment provides instead that all matters related to the confidentiality and privilege of commission documents and proceedings shall be provided by law; otherwise retains present constitution.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 3, 2020.

(Amends Const. Art. V, §25(C))