

2020 Regular Session

HOUSE BILL NO. 112

BY REPRESENTATIVE HARRIS

JUDGES: (Constitutional Amendment) Provides relative to the election and selection of judges

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A JOINT RESOLUTION

Proposing to amend Article V, Sections 4, 9, 21, 22, and 24 of the Constitution of Louisiana, relative to the selection of judges; to provide for filling of a newly created judgeship or vacancy in the office of judge; to provide for a term of office for judges; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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 of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article V, Sections 4, 9, 21, 22, and 24 of the Constitution of Louisiana, to read as follows:

§4. Supreme Court; Districts

Section 4. The state shall be divided into at least six supreme court districts, and at least one judge shall be ~~elected~~ selected from each. The districts and the number of judges assigned to each on the effective date of this constitution are retained, subject to change by law enacted by two-thirds of the elected members of each house of the legislature.

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1 §9. Courts of Appeal; Circuits and Districts

2 Section 9. Each circuit shall be divided into at least three districts, and at least one
3 judge shall be ~~elected~~ selected from each. The circuits and districts and the number of
4 judges as ~~elected~~ selected in each circuit on the effective date of this constitution are
5 retained, subject to change by law enacted by two-thirds of the elected members of each
6 house of the legislature.

7 * * *

8 §21. Judges; Decrease in Terms and Compensation Prohibited

9 Section 21. The term of office, retirement benefits, and compensation of a judge
10 shall not be decreased during the term for which he is ~~elected~~ selected.

11 §22. Judges; ~~Election~~ Selection; Vacancy

12 Section 22.(A) ~~Election~~ Selection. ~~Except as otherwise provided in this Section, all~~
13 All judges shall be ~~elected~~ selected as provided by law enacted by two-thirds of the elected
14 member of each house. ~~Election~~ Selection shall be made at the same time as the regular
15 congressional election.

16 (B) Vacancy. A newly-created judgeship or a vacancy in the office of a
17 judge shall be filled by as provided by law ~~special election called by the governor~~
18 ~~and held within twelve months after the day on which the vacancy occurs or the~~
19 ~~judgeship is established, except when the vacancy occurs in the last twelve months~~
20 ~~of an existing term. Until the vacancy is filled, the supreme court shall appoint a~~
21 ~~person meeting the qualifications for the office, other than domicile, to serve at its~~
22 ~~pleasure. The appointee shall be ineligible as a candidate at the election to fill the~~
23 ~~vacancy or the newly-created judicial office. No person serving as an appointed~~
24 ~~judge, other than a retired judge, shall be eligible for retirement benefits provided for~~
25 ~~the elected judiciary.~~

26 (C) End of Term. A judge serving on the effective date of ~~this constitution~~
27 the amendment of this Section by Act No. of the 2020 Regular Session of the
28 Legislature shall serve the remaining period of his term of office through December
29 thirty-first of the last year of his term or, if the last year of his term is not in the year

1 ~~of a regular congressional election, then through December thirty-first of the~~
2 ~~following year.~~ The ~~election~~ selection for the next term shall be held in the year in
3 which the term expires, as provided ~~above~~ in Paragraphs A and B of this Section.

4 * * *

5 §24. Judges; Qualifications

6 Section 24.(A) A judge of the supreme court, a court of appeal, district court, family
7 court, parish court, or court having solely juvenile jurisdiction shall have been domiciled in
8 the respective district, circuit, or parish for one year preceding ~~election~~ selection and shall
9 have been admitted to the practice of law in the state for at least the number of years
10 specified as follows:

- 11 (1) For the supreme court or a court of appeals - ten years.
- 12 (2) For a district court, family court, parish court, or court having solely
13 juvenile jurisdiction - eight years.
- 14 (B) He shall not practice law.

15 Section 2. Be it further resolved that this proposed amendment shall be submitted
16 to the electors of the state of Louisiana at the statewide election to be held on November 3,
17 2020.

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

22 Do you support an amendment that provides for the selection, instead of the
23 election, of all judges and authorizes the legislature to provide by law a
24 system for the selection of all judges? (Amends Article V, Sections 4, 9, 21,
25 22, and 24)

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)]

HB 112 Original

2020 Regular Session

Harris

Abstract: Changes the method judges are chosen from an election process to a selection process.

Present constitution provides for election of judges at the regular congressional election. Provides that a vacancy must be filled by special election within 12 months after the vacancy occurs or the judgeship is established, and provides for the supreme court to appoint a person to serve until the vacancy is filled. Further provides that a judge shall serve through December 31 of the last year of his term, or if the last year is not in the year of a regular congressional election, then through December 31 of the following year.

Proposed constitutional amendment provides for the selection of judges as provided by law enacted by 2/3 of the elected members of each house. Provides for the selection to take place at the same time as the regular congressional election. Further provides that a vacancy shall be filled as provided by law. Provides the term for a judge serving on the effective date of this amendment is the remaining period of his term of office. Selection occurs in the year in which the term expires.

Present constitution provides that the term of office, retirement benefits, and compensation of a judge shall not be decreased during the term for which he is elected.

Proposed constitutional amendment retains present constitution except those decreases cannot occur during the term for which the judge is selected.

Present constitution provides that judges of the supreme court, court of appeal, district court, family court, parish court, or juvenile court must be admitted to practice law in the state for a certain requisite number of years prior to election, and must have been domiciled in the respective district, circuit, or parish for one year preceding his election.

Proposed constitutional amendment provides for the same bar admittance and domicile as present constitution prior to selection.

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

(Amends Const. Art. V, §4, §9, §21, §22, and §24)