

2020 Regular Session

HOUSE BILL NO. 74

BY REPRESENTATIVE GREEN

JUDGES: (Constitutional Amendment) Provides relative to the term of office for judges

1 A JOINT RESOLUTION

2 Proposing to amend Article V, Sections 15(C) and 23 of the Constitution of Louisiana and
3 to add Article V, Section 22.1 of the Constitution of Louisiana, relative to the term
4 of office for judges; to extend the term of office for judges; to establish a term
5 limitation for judges; to eliminate the mandatory retirement age for judges; to
6 provide for submission of the proposed amendment to the electors; and to provide
7 for related matters.

8 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
9 elected to each house concurring, that there shall be submitted to the electors of the state of
10 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
11 amend Article V, Sections 15(C) and 23 of the Constitution of Louisiana and to add Article
12 V, Section 22.1 of the Constitution of Louisiana, to read as follows:

13 §15. Courts; Retention; Jurisdiction; Judicial District Changes; Terms

14 * * *

15 (C) Term. The term of a district, parish, or city court judge shall be ~~six~~ ten
16 years.

17 * * *

18 §22.1. Judges; election limitation

19 No person who has been elected to serve as judge for more than two and one-
20 half terms in three consecutive terms, that service being during a term of office that
21 began on or after January 1, 2021, shall be elected as judge for a succeeding term.

1 §23. Judges; Retirement

2 Section 23.~~(A)~~ Retirement System. Within two years after the effective date of this
3 constitution, the legislature shall provide for a retirement system for judges which shall
4 apply to a judge taking office after the effective date of the law enacting the system and in
5 which a judge in office at that time may elect to become a member, with credit for all prior
6 years of judicial service and without contribution therefor. The retirement benefits and
7 judicial service rights of a judge in office or retired on the effective date of this constitution
8 shall not be diminished, nor shall the benefits to which a surviving spouse is entitled be
9 reduced.

10 ~~(B) Mandatory Retirement. Except as otherwise provided in this Section, a~~
11 ~~judge shall not remain in office beyond his seventieth birthday. A judge who attains~~
12 ~~seventy years of age while serving a term of office shall be allowed to complete that~~
13 ~~term of office.~~

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

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

21 Do you support an amendment for judges that eliminates the mandatory
22 retirement age, implements a three-term limitation, and extends the term of
23 office to ten years? (Amends Article V, Sections 15(C) and 23; Adds Article
24 V, Section 22.1)

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 74 Original

2020 Regular Session

Green

Abstract: Eliminates the mandatory retirement age for judges, implements a three-term limitation, and extends the term of office from six to 10 years.

Present constitution provides that a judge shall not remain in office beyond his 70th birthday. A judge who attains 70 years of age while serving a term of office shall be allowed to complete that term of office.

Proposed constitutional amendment eliminates the mandatory retirement age for judges.

Present constitution provides that the term of a district, parish, or city court judge shall be six years.

Proposed constitutional amendment changes the term of office for district, parish, and city court judge from six years to 10 years.

Present constitution provides that judges shall be elected at the regular congressional election.

Proposed constitutional amendment retains present constitution and establishes a three term limitation.

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

(Amends Const. Art. V, §15(C) and §23; Adds Const. Art. V, §22.1)