SLS 24RS-413

ORIGINAL

2024 Regular Session

SENATE BILL NO. 177

BY SENATOR MORRIS

COURTS. Constitutional amendment to increase the non-lawyer membership of and provide for the selection judiciary commission members and to require investigations be conducted by directive of the supreme court. (2/3 - CA13s1(A))

1	A JOINT RESOLUTION
2	Proposing to amend Article V, Section 25(A) and (C) of the Constitution of Louisiana,
3	relative to the judiciary commission; to provide for the composition and selection of
4	commission members; to require the judiciary commission to conduct certain
5	investigations; to specify an election for submission of the proposition to electors;
6	and to provide a ballot proposition.
7	Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
8	elected to each house concurring, that there shall be submitted to the electors of the state, for
9	their approval or rejection in the manner provided by law, a proposal to amend Article V,
10	Section 25(A) and (C) of the Constitution of Louisiana, to read as follows:
11	§25. Judiciary Commission
12	Section 25.(A) Composition. The judiciary commission shall consist of
13	(1) one two court of appeal judge judges and two district court judges
14	selected by the supreme court;
15	(2) two one attorneys attorney admitted to the practice of law for at least ten
16	years and one attorney admitted to the practice of law for at least three years but not
17	more than ten years, selected by the Conference of Court of Appeal Judges or its

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1	successor. They shall not be judges, active or retired, or public officials, other than
2	notaries public; and
3	(3) three <u>two</u> citizens, not lawyers, judges active or retired, or public officials,
4	selected by the Louisiana District Judges' Judges Association or its successor-;
5	(4) three members appointed by the governor who are not lawyers,
6	judges, active or retired, or public officials other than notaries public;
7	(5) one member appointed by the speaker of the House of
8	Representatives; and
9	(6) one member appointed by the president of the Senate.
10	* * *
11	(C) Powers. On recommendation of the judiciary commission, the The
12	supreme court may, after an investigation by the judiciary commission, which
13	shall be instituted by directive of a majority of the supreme court, censure,
14	suspend with or without salary, remove from office, or retire involuntarily a judge
15	for willful misconduct relating to his official duty, willful and persistent failure to
16	perform his duty, persistent and public conduct prejudicial to the administration of
17	justice that brings the judicial office into disrepute, malfeasance while in office,
18	conduct while in office which would constitute a felony, or conviction of a felony.
19	On recommendation of the judiciary commission, the The supreme court may, after
20	an investigation by the judiciary commission, which shall be instituted by
21	directive of a majority of the supreme court, disqualify a judge from exercising
22	any judicial function, without loss of salary, during pendency of proceedings in the
23	supreme court. On recommendation of the judiciary commission, the The supreme
24	court may, after an investigation by the judiciary commission, which shall be
25	instituted by directive of a majority of the supreme court, retire involuntarily a
26	judge for disability that seriously interferes with the performance of his duties and
27	that is or is likely to become permanent. The supreme court shall make rules
28	implementing this Section and providing for confidentiality and privilege of
29	commission proceedings.

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2	Section 2. Be it further resolved that this proposed amendment shall be submitted to
3	the electors of the state of Louisiana at the statewide election to be held on November 5,
4	2024.
5	Section 3. Be it further resolved that on the official ballot to be used at said election
6	there shall be printed a proposition, upon which the electors of the state shall be permitted
7	to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
8	follows:
9	Do you support an amendment to restructure the membership of the judiciary
10	commission to thirteen members by increasing the mandatory number of
11	non-lawyers, and to require the judiciary commission, at the direction of the
12	supreme court, to investigate sitting judges prior to enforcement of certain
13	disciplinary actions for cause?
14	(Amends Article V, Section 25(A) and (C))

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jonathon Wagner.

SB 177 Original

DIGEST 2024 Regular Session

Morris

<u>Present constitution</u> provides for a judiciary commission composed of the following nine members:

- (1) One court of appeal judge and two district court judges selected by the supreme court.
- (2) 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, selected by the Conference of Court of Appeal Judges or its successor. Provides that they cannot be judges, active or retired, or public officials, other than notaries public.
- (3) Three citizens, who are not lawyers, judges active or retired, or public officials, to be selected by the La. District Judges Association or its successor.

<u>Proposed constitutional amendment</u> increases membership <u>from</u> nine to 13 members selected as follows:

- (1) Two court of appeal judges and two district court judges selected by the supreme court.
- (2) One attorney 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 who are selected by the Conference of Court of Appeal Judges or its successor and cannot

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be judges, active or retired, or a public official, other than notaries public.

- (3) Two citizens members, not lawyers, judges active or retired, or public officials, selected by the Louisiana District Judges Association or its successor.
- (4) Three members appointed by the governor who are not lawyers, judges, active or retired, or public officials.
- (5) One member appointed by the speaker of the House of Representatives.
- (6) One member appointed by the president of the Senate.

<u>Present constitutional amendment</u> allows the supreme court to discipline a sitting judge for cause after receiving a recommendation from the judiciary commission.

<u>Proposed constitutional amendment</u> adds "malfeasance while in office" to the list of specified actions for which the supreme court may pursue disciplinary action against a sitting judge.

<u>Proposed constitutional amendment</u> requires the judiciary commission, after receiving a directive from the supreme court, to investigate a sitting judge prior to the supreme court taking disciplinary action against a sitting judge for cause.

Proposed constitutional amendment otherwise retains present constitution.

Specifies submission of the amendment to the voters at the statewide election to be held on November 5, 2024.

(Amends Const. Art. V, Sec. 25(A) and (C))