SLS 24RS-413 ENGROSSED

2024 Regular Session

SENATE BILL NO. 177

BY SENATOR MORRIS

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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))

A JOINT RESOLUTION

## 2 Proposing to amend Article V, Section 25(C) of the Constitution of Louisiana, relative to the judiciary commission; to require the judiciary commission to conduct certain 3 investigations; to specify an election for submission of the proposition to electors; 4 5 and to provide a ballot proposition. Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members 6 7 elected to each house concurring, that there shall be submitted to the electors of the state, for 8 their approval or rejection in the manner provided by law, a proposal to amend Article V, 9 Section 25(A) and (C) of the Constitution of Louisiana, to read as follows: 10 §25. Judiciary Commission Section 25. 11 12 13 (C) Powers. On recommendation of the judiciary commission, the The supreme court may, after an investigation by the judiciary commission, which 14 shall be instituted on recommendation by the judiciary commission or by 15 directive of a majority of the supreme court, censure, suspend with or without 16 salary, remove from office, or retire involuntarily a judge for willful misconduct 17

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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 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, disqualify a judge from exercising any judicial function, without loss of salary, during pendency of proceedings in the supreme court. 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, retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is or is likely to become permanent. The supreme court shall make rules implementing this Section and providing for confidentiality and privilege of commission proceedings.

\* \* \*

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 5, 2024.

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

Do you support an amendment to require the judiciary commission, at the direction of the supreme court or on recommendation by the judiciary commission, to investigate sitting judges prior to enforcement of certain disciplinary actions for cause?

(Amends Article V, Section 25(A) and (C))

The original instrument was prepared by Jonathon Wagner. The following digest, which does not constitute a part of the legislative instrument, was prepared by Hanna Gettys.

## DIGEST

SB 177 Engrossed

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Morris

<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 or on recommendation by the judiciary commission, to investigate a sitting judge prior to the supreme court taking disciplinary action against a sitting judge for cause.

<u>Proposed constitutional amendment</u> otherwise retains <u>present constitution</u>.

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(C))

## Summary of Amendments Adopted by Senate

## Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

- 1. Removes the proposed changes to the composition of the judiciary commission.
- 2. Adds that an investigation by the judiciary commission may be instituted by either a majority of the supreme court or by recommendation by the judiciary commission.
- 3. Changes ballot language to include "or on recommendation by the judiciary commission".