

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))

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A JOINT RESOLUTION

Proposing to amend Article V, Section 25(A) and (C) of the Constitution of Louisiana, relative to the judiciary commission; to provide for the composition and selection of commission members; to require the judiciary commission to conduct certain investigations; to specify an election for submission of the proposition to electors; and to provide a ballot proposition.

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, for their approval or rejection in the manner provided by law, a proposal to amend Article V, Section 25(A) and (C) of the Constitution of Louisiana, to read as follows:

§25. Judiciary Commission

Section 25.(A) Composition. The judiciary commission shall consist of

(1) ~~one~~ **two** court of appeal ~~judge~~ **judges** and two district court judges selected by the supreme court;

(2) ~~two~~ **one** ~~attorneys~~ **attorney** admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three years but not more than ten years, selected by the Conference of Court of Appeal Judges or its

1 successor. They shall not be judges, active or retired, or public officials, other than
2 notaries public; ~~and~~

3 (3) ~~three~~ **two** 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.~~

- 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.

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

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

Proposed constitutional amendment 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))