

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(C) of the Constitution of Louisiana, relative to the judiciary commission; 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. * * *
 * * *

(C) Powers. ~~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,** censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct

1 relating to his official duty, willful and persistent failure to perform his duty,
 2 persistent and public conduct prejudicial to the administration of justice that brings
 3 the judicial office into disrepute, **malfesance while in office**, conduct while in
 4 office which would constitute a felony, or conviction of a felony. ~~On~~
 5 ~~recommendation of the judiciary commission, the~~ **The** supreme court may, **after an**
 6 **investigation by the judiciary commission, which shall be instituted on**
 7 **recommendation by the judiciary commission or by directive of a majority of**
 8 **the supreme court**, disqualify a judge from exercising any judicial function, without
 9 loss of salary, during pendency of proceedings in the supreme court. ~~On~~
 10 ~~recommendation of the judiciary commission, the~~ **The** supreme court may, **after an**
 11 **investigation by the judiciary commission, which shall be instituted on**
 12 **recommendation by the judiciary commission or by directive of a majority of**
 13 **the supreme court**, retire involuntarily a judge for disability that seriously interferes
 14 with the performance of his duties and that is or is likely to become permanent. **The**
 15 **supreme court may, pending an investigation by the judiciary commission,**
 16 **temporarily suspend with or without salary, a judge for willful misconduct**
 17 **relating to his official duty, willful and persistent failure to perform his duty,**
 18 **conduct in violation of the code of judicial conduct, prejudicial to the**
 19 **administration of justice that bring the judicial office into disrepute,**
 20 **malfesance while in office, or conduct while in office which would constitute**
 21 **a felony, or conviction of a felony.** The supreme court shall make rules
 22 implementing this Section and ~~providing for confidentiality and privilege of~~
 23 ~~commission proceedings.~~

24 * * *

25 Section 2. Be it further resolved that this proposed amendment shall be submitted to
 26 the electors of the state of Louisiana at the statewide election to be held on November 5,
 27 2024.

28 Section 3. Be it further resolved that on the official ballot to be used at said election
 29 there shall be printed a proposition, upon which the electors of the state shall be permitted

1 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
2 follows:

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

7 (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 Reengrossed 2024 Regular Session Morris

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 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.

Proposed constitutional amendment provides that the supreme court may, pending an investigation by the judiciary commission, temporarily suspend with or without salary, a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, conduct in violation of the code of judicial conduct, prejudicial to the administration of justice that bring the judicial office into disrepute, malfeasance while in office, or conduct while in office which would constitute a felony, or conviction of a felony.

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(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".

Senate Floor Amendments to engrossed bill

1. Adds that the supreme court may temporarily suspend a judge with or without salary for certain misconduct.