

DIGEST

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SB 123 Engrossed

2026 Regular Session

Morris

Present constitution (Const. Art. IV, Section 5(I)) allows the governor to remove from office a person he appointed unless that person is appointed for a term fixed by either present constitution or present law.

Proposed constitutional amendment retains present constitution.

Proposed constitutional amendment requires the governor, on receiving a joint legislative address, to certify the removal of an elected or temporarily appointed district, juvenile, family, parish, municipal, or court of appeal judge, or La. Supreme Court justice for malfeasance, gross misconduct, or incompetence committed while in office if:

- (1) The cause for removal was stated and entered in the journal of the house of the legislature in which the address originated and a copy thereof was served on the judge.
- (2) A trial by the Senate, with senators under oath or affirmation for the trial, is conducted at which the judge may present a defense to the stated cause for removal.
- (3) The address received a favorable vote of a majority of the elected members of the House of Representatives and a 2/3 majority of the elected members of the Senate.

Proposed constitutional amendment prohibits a judge removed by legislative address from seeking any judicial office in La.

Present constitution (Const. Art. X, Section 24) provides that a state or district official, whether elected or appointed, shall be liable to impeachment for commission or conviction, during his term of office of a felony or for malfeasance or gross misconduct while in such office.

Proposed constitutional amendment retains present constitution and provides that proposed constitutional amendment does not preclude removal of a judge by impeachment pursuant to present constitution.

Present constitution (Const. Art. V, Section 25) provides that the supreme court may, after an investigation by the judiciary commission, censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct 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.

Proposed constitutional amendment retains present constitution and provides that proposed constitutional amendment does not preclude removal of a judge by the supreme court pursuant to present constitution.

Specifies submission of the amendment to the voters at the statewide election to be held on April 17, 2027, as authorized by law.

(Amends Const. Art. IV, Sec. 5(I))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Provide for legislative address to remove certain judges.
2. Require the governor to certify a legislative address in certain circumstances.
3. Limit removal by legislative address to certain judges and to supreme court justices.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed bill:

1. Make technical changes.